Second Session—1-13.

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BENGAL LEGISLATIVE COUNCIL.

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The Hon'ble Mr. TAMIZUDDIN KHAN, in charge of the Agriculture, Industries (including Veterinary) and Rural Reconstruction Departments.

BENGAL LEGISLATIVE COUNCIL

ALPHABETICAL LIST OF MEMBERS.

1. Ahmad, Khan Bahadur Naziruddin. [Burdwan Division Muhammadan (Rural).]
2. Ahmed, Mr. Nur. [Chittagong Muhammadan (Rural).]
3. Ahmed, Mr. Mesbahuddin. [Bengal Legislative Assembly.]
4. Ali, Mr. Altaf. [Bengal Legislative Assembly.]
5. Aziz, Khan Sahib Abdul. [Presidency Division South Muhammadan (Rural).]

B

6. Baksh, Mr. Kader. [Bengal Legislative Assembly.]
7. Banerjee, Rai Bahadur Keshab Chandra. [Dacca Division North General (Rural).]
8. Barua, Mr. Dhirendra Lal. [Chosen by the Governor.]
9. Bose, Rai Bahadur Manmatha Nath. [Burdwan Division South-West General (Rural).]

10. Chakraverti, Mr. Shrish Chandra. [Calcutta General (Urban).]
11. Chaudhury, Mr. Moazzemali *alias* Lal Mia. [Faridpur Muhammadan (Rural).]
12. Chowdhury, Khan Sahib Abdul Hamid. [Mymensingh West Muhammadan (Rural).]
13. Chowdhury, Mr. Khorshed Alam. [Bakarganj Muhammadan (Rural).]
14. Chowdhury, Khan Bahadur Rezzaqul Haider. [Noakhali Muhammadan (Rural).]
15. Chowdhury, Mr. Hamidul Huq. [Bengal Legislative Assembly.]
16. Chowdhury, Mr. Humayun Reza. [Rajshahi *cum* Malda Muhammadan (Rural).]
17. Cohen, Mr. D. J. [Chosen by the Governor.]

18. Das, Mr. Lalit Chandra. [Chittagong Division General (Rural).]
19. Datta, Mr. Bankim Chandra. [Bengal Legislative Assembly.]
20. Datta, Mr. Narendra Chandra. [Bengal Legislative Assembly.]
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22. Dutta, Mr. Kamini Kumar. [Bengal Legislative Assembly.]

23. Esmail, Khan Bahadur Alhadj Khwaja Muhammad. [Dacca North-West Muhammadan (Rural).]

24. Ferguson, Mr. R. W. N. [Bengal Legislative Assembly.]

25. Goswami, Mr. Kanai Lal. [Calcutta Suburbs General (Urban).]

H

26. Hosain, Khan Bahadur Saiyed Muazzamuddin. [Bengal Legislative Assembly.]
27. Hossain, Mr. Latafat. [Chosen by the Governor.]
28. Hossain, Mr. Mohamed. [Bengal Legislative Assembly.]
29. Huq, Khan Bahadur Syed Muhammad Ghaziul. [Tippera Muhammadan (Rural).]

J

30. Jan, Alhadj Khan Bahadur Shaikh Muhammad. [Calcutta and Suburbs Muhammadan (Urban).]

K

31. Kabir, Mr. Humayun. [Bengal Legislative Assembly.]
32. Karim, Khan Bahadur M. Abdul. [Mymensingh East Muhammadan (Rural).]
33. Khan, Khan Bahadur Muhammad Asaf. [Rangpur Muhammadan (Rural).]
34. Khan, Maulana Muhammad Akram. [Bengal Legislative Assembly.]

35. Laidlaw, Mr. W. B. G. [European.]
36. Lamb, Sir T. [Bengal Legislative Assembly.]

M

37. McFarlane, Mr. J. [European.]
38. Maitra, Rai Bahadur Brojendra Mohan. [Rajshahi Division South-West General (Rural).]
39. *Mitra, the Hon'ble Mr. Satyendra Chandra. [Bengal Legislative Assembly.]
40. Molla, Khan Sahib Subidali. [Bengal Legislative Assembly.]
41. Momin, Begum Hamida. [Chosen by the Governor.]
42. Mookerjee, Mr. Naresh Nath. [Bengal Legislative Assembly.]
43. Mookerji, Dr. Radha Kumud. [Bengal Legislative Assembly.]

44. Pal Chaudhuri, Mr. Ranajit. [Presidency Division General (Rural).]

Q

45. Quasem, Khan Sahib Abul. [Bengal Legislative Assembly.]

*President of the Bengal Legislative Council.

R

46. Rahman, Khan Bahadur Ataur. [Presidency Division North Muhammadan (Rural).]
47. Rahman, Khan Bahadur Mukhlesur. [Rajshahi Division North Muhammadan (Rural).]
48. Rashid, Khan Bahadur Kazi Abdur. [Dacca South-East Muhammadan (Rural).]
49. Ray, Mr. Nagendra Narayan. [Bengal Legislative Assembly.]
50. Ray, Rai Sahib Jogendra Nath. [Burdwan Division North-East General (Rural).]
51. Ray, Dr. Kumud Sankar. [Dacca Division South General (Rural).]
52. Ross, Mr. J. B. [Bengal Legislative Assembly.]
53. Roy, Mr. Amulya Dhone. [Bengal Legislative Assembly.]
54. Roy, Rai Bahadur Radhica Bhusan. [Bengal Legislative Assembly.]
55. Roy Chowdhury, Mr. Krishna Chandra. [Chosen by the Governor.]
56. Roy Chowdhury, Mr. Birendra Kishore. [Bengal Legislative Assembly.]

S

57. Sanyal, Mr. Sachindra Narayan. [Bengal Legislative Assembly.]
58. Scott-Kerr, Mr. W. F. [European.]
59. Sen, Rai Sahib Jatindra Mohan. [Rajshahi Division North-West (Rural).]
60. Shamsuzzoha, Khan Bahadur M. [Bengal Legislative Assembly.]
61. Singh Roy, The Hon'ble Sir Bijoy Prasad. [Bengal Legislative Assembly.]
62. Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur. [Bengal Legislative Assembly.]

T

63. Talukdar, Dr. Kasiruddn. [Bogra *cum* Pabna Muhammadan (Rural).]

Second Session—No. 1.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 28th July, 1941, at 2-15 p.m., being the first day of the Second Session, pursuant to section 62 (2) (*a*) of the Government of India Act, 1935.

The President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

Obituary Reference.

Mr. PRESIDENT: Honourable members of the Council, before the Order Paper of the day is taken up, it is my duty to refer to the sad death of Mr. G. S. Dutt, I.C.S. (Retired), Founder of the Bratachari Movement and the Saroj-Nalini Association, which took place at Calcutta on the 25th of June last.

The eventful career of the late Mr. Dutt reveals a personality which, in some respects, was unique in this country. Deep respect for the ancient culture of the Motherland and sincere love for the helpless masses of India formed the key-note of his character. It is this spirit of ardent nationalism which led him, in spite of the severe limitations imposed by his office, to initiate movements calculated to make for the physical and moral regeneration of this country. As the originator of the Bratachari Movement, which is really a new youth movement of strength through joy and song and service, Mr. Dutt succeeded, to a great extent, in achieving in our national sphere what the late Lord Baden-Powell had done in the wider sphere of the British Empire. A genuine lover of humanity, Mr. Dutt was deeply moved by the miseries and hardships which the poor women of Bengal had to live under, and he decided to perpetuate the memory of his noble wife by starting the Saroj-Nalini Association which, through its 400 branches in this province and outside, has now been helping hundreds of such poor women by opening out careers of economic independence and competence. Mr. Dutt was a colleague of mine both in the Provincial Council and in the Central Legislative Assembly and there were numerous occasions when he freely discussed with me his ideals and plans of rural reconstruction. I can personally testify to the keenness of his desire to serve his fellow-men irrespective of caste or creed.

While posted at Mymensingh as the District Magistrate and Collector in 1929, he inaugurated a movement for village reconstruction.

A striking feature of this movement consisted in the example of the dignity of manual labour in rural reconstruction work which Mr. Dutt set before the educated classes.

In 1931 he organised a new movement under the name of Rural Heritage Preservation Society of Bengal, which had for its principal object the revival and preservation of folk songs, folk dances and folk literature of Bengal as well as of the rural fine arts.

Mr. Dutt attended the International Folk Dance Festival in London in 1939. A Bratachari Society was then formed in London of which distinguished persons like Sir Michael Sadler, Lady Carmichael, Sir Francis Younghusband were members. He made an extensive tour in Denmark, Holland and France where also his movement roused considerable enthusiasm.

Early this year, shortly after his retirement, he established the Bratachari Janasiksha Pratisthan in the village of Joka, eight miles from Calcutta. This institution was designed by him to be the nucleus of a Bratachari University for rural people.

It may thus be truly said of him that his was a life consecrated to an ideal—the ideal of the service of his fellow-men,—for the realisation of which he devoted not only his restless energy but also his life's savings. The loss of such a dynamic and lovable personality will be mourned by all.

May his soul rest in peace!

As a mark of respect to the memory of the illustrious deceased, I would request the honourable members to rise in their places.

(Honourable members rose in their seats.)

The Chair will take steps to convey the sincere condolences of the House to his only son in his great bereavement.

QUESTIONS AND ANSWERS

Outstanding Questions from the previous Session

Establishment of a Muslim Institute in Chittagong.

73. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state if it is a fact that a representation for a capital grant of Rs.30,000 was submitted to Government through Mr. A. Momin, the then Commissioner, Chittagong Division, in 1930, for establishing an institution to be called the Muslim Institute at Chittagong?

(*b*) Is it a fact that the plan and estimate for the same were also forwarded with the representation?

(c) Is it a fact that Mr. O. M. Martin, C.I.E., the present Commissioner, sent a reminder to Government in 1938?

(d) Is it a fact that recently a mass meeting of the leading Muslims was held in Chittagong and that copies of the resolutions passed in the same were sent to the Chief Minister under the signature of Khan Bahadur Maulvi Abdus Satter with a request to make an early contribution of Rs.35,000 for the construction of the proposed Muslim Institute at Chittagong?

(e) If so, do the Government propose to make a suitable contribution as prayed for by the Muslims of Chittagong for the proposed Institute? If not, why not?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (a) and (b) Yes.

(c) No such reminder can be traced.

(d) and (e) A proposal has come recently from the Divisional Commissioner and the matter is under consideration.

Recommendations of the Moslem Advisory Education Committee.

74. Mr. NUR AHMED: (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state if effect has been given to all the main recommendations of the Moslem Advisory Education Committee which were published in 1934, and presided over by Khan Bahadur Abdul Momin, C.I.E.? If not, why not?

(b) What are the main recommendations of the above-mentioned Committee? Which of them have been given effect to and which of them have not been given effect to and why?

(c) Why no Government resolution, as promised, has been published regarding the recommendations of the report of the Committee in question, and in what month is it expected to be published and what is the cause of this delay in publishing the resolution in question?

(d) Is it a fact that Khan Bahadur Mowla Bux has been working as a Special Officer for preparing suitable schemes for the rapid expansion of education in all its branches among the Moslems of Bengal? If so, do Government propose to entrust him with the task of suggesting proper means and ways in order to give effect to the most important and urgent recommendations of the Committee in question? If not, why not?

(e) Do the Government propose to appoint a Standing Moslem Education Advisory Committee on the line of Scheduled Caste and European Education Standing Committee to advise in all matters of Moslem education? If not, why not?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Effect has been given as far as possible, to most of the main recommendations of the Committee.

(*b*) The member is referred to the summary of recommendations given at the end of the various chapters of the report, a copy of which was supplied to him when it was published.

A note showing how far the recommendations of the Committee under the various branches of education have been given effect to, is laid on the table.

(*c*) The honourable member is referred to the reply given to clause (*f*) of question No. 73 put by him on the floor of this House in August, 1940.

The report of the Madrasah Education Committee has just been published.

(*d*) Yes, Khan Bahadur Mr. M. Mawla Baksh has been appointed as a Special Officer for the formulation of schemes for the advancement of Muslim education in Bengal.

Government will consider the proposal made in the last part of the question.

(*e*) No. Government do not consider that any good will follow on the establishment of a Standing Moslem Education Advisory Committee.

Statement referred to in reply to question No. 74.

PRIMARY EDUCATION.

The main recommendation of the Committee under this head is the introduction of free and compulsory primary education with provision for religious instruction. This is bound up with the enforcement of the Primary Education Act. With this end in view District School Boards have been constituted in 17 districts. Primary education has been made free in 14 districts where imposition of Cess has already been enforced. Proposals for the imposition of Cess in 3 more districts are under the consideration of Government.

Revised curriculum for primary schools in Bengal which has been sanctioned by Government has come into force in primary schools in all districts with effect from January, 1941. The distinction between the curriculum for ordinary primary schools and that for maktabs and Muslim primary schools has been extinguished. As a result provision

for religious instruction for children of all communities has been made in primary schools. Arrangement has also been made for the training of teachers for imparting religious instruction.

Secondary Education for Boys.

There is at present no proposal for the deprovincialisation of Government Muslim high and middle schools, as the question of deprovincialisation of all Government secondary schools has been dropped.

Government have recently provided larger funds for grants-in-aid to secondary schools for boys. A portion of the money has been utilised in giving suitable grants-in-aid to high and middle schools run by Muslims. More funds have been provided for giving aid to secondary schools for boys in the next year's budget.

Collegiate and University Education.

The percentage of free-studentships granted to Muslims in Government colleges has been raised.

The staff of the Islamia College has been strengthened.

The question of opening B. Com. classes in the Islamia College is bound up with the question of the expansion of the Islamia College which is under the consideration of Government.

Urdu has been prescribed as a Second Language for the Matriculation, Intermediate and B.A. Examinations.

Provision has been made for the teaching of Arabic, Persian and Urdu in some of the Government colleges, including the Bethune College, where they did not exist previously.

The number of Muslim members of the Senate has been increased.

Madrasah Education.

The Intermediate Classes attached to the Chittagong Madrasah have been made permanent.

The Hooghly Madrasah has been raised to the status of an Intermediate College as a permanent measure.

Administrative approval of Government has been accorded to the raising of the status of the Rajshahi Madrasah to that of an Intermediate College.

Funds have been provided in the next year's budget for giving an increased grant to the Islamic Intermediate College at Serajganj.

The Title Classes in Fiqh and Usul attached to the Calcutta Madrasah have been made permanent.

During recent years Government have made additional provision of Rs.1,92,000 for grants-in-aid to high and junior madrasahs, and also of Rs.30,000 for grants-in-aid to old scheme madrasahs. An additional provision of Rs.20,000 has been made in the current year's budget for grants-in-aid to old scheme madrasahs.

Government have also provided larger funds for capital grants (mainly building grants) to high and junior madrasahs and old scheme madrasahs. The current year's budget provision includes Rs.20,000 for the purpose in addition to the normal provision.

Government appointed a Committee to investigate the problem of improving madrasah education in the Province. The Report of the Committee has just been published. The recommendations of the Committee are under the consideration of Government.

EDUCATION OF MUSLIM GIRLS.

The Sakhawat Memorial High School for Muslim Girls has been provincialised, and a hostel for Muslim girls has been attached to it.

Special provision has been made for grants-in-aid to girls' junior madrasahs.

Provision has been made for the teaching of Arabic and Persian in all Government high schools for girls.

Government have recently provided larger funds for grants-in-aid to secondary schools for girls. A portion of the money has been utilised in giving suitable grants-in-aid to high and middle schools run by Muslims. More funds have been provided for giving aid to secondary schools for girls in the next year's budget.

In the matter of Collegiate education Government has done more than what has been recommended by the Committee. The Lady Brabourne College for Muslim Girls has been established in Calcutta, and a hostel for Muslim girls has been attached to it.

SCHOLARSHIPS.

Government have made liberal provision for scholarships and stipends for Muslim boys and girls in secondary and collegiate stages of education. A sum of about Rs.1,49,000 has been provided for

scholarships and stipends in Arts colleges, madrasahs, Bengal Engineering College and Ahsanullah School of Engineering. Two foreign scholarships for Muslims have also been created.

A sum of Rs.35,000 has been provided for scholarships for Muslim students in Medical Colleges.

Free-studentships have been provided for Muslim boys at 15 per cent. of their enrolment in the Government Commercial Institute, Calcutta.

Physical Education.

All Government madrasahs have been provided with Physical Instructors.

About 26 per cent. of the Physical Instructors in Government high schools are Muslims.

Of the District Physical Organisers about 34·6 per cent. are Muslims.

A large number of Muslim graduates are being admitted to the Government Physical Training Centre for training.

One of the three teachers of the Physical Training Centre is a Muslim.

Text-Book Committee.

The Secretary of the Text-Book Committee is a Muslim. About 40 per cent. of the members of the Text-Book Committee are Muslims.

Appointment.

The Muslim Education Advisory Committee recommended that population percentage should be taken as the proportion according to which Muslims should hold appointment in the various branches of the Educational service.

Government could not accept this recommendation. They have, however, prescribed certain rules called the "Bengal Services Recruitment (Communal Ratio) Rules, 1940".

These rules shall apply to all salaried appointments made after the 17th March, 1939, in the Provincial Services, Subordinate Services, offices and posts under the Crown in connection with the affairs of the Province of Bengal, except appointments to certain specific posts.

These rules do not extend to promotions, in the making of which the sole consideration shall continue to be merit, with due regard to seniority of service.

(1) *Reservation for Muslims and non-Muslims.*—Of all vacancies to be filled by direct recruitment in any service, department or office or branch of any service, department or office to which these rules apply, 50 per cent. shall, until parity is reached, be reserved for Muslims, and 50 per cent. for non-Muslims:

Provided that in any such service, department or office, or branch of such service, department or office, in which vacancies are filled partly by promotion and partly by direct recruitment, the number of vacancies so reserved shall, until parity is reached, be increased or decreased as the case may be, by one-half of the number of promotions of non-Muslims or Muslims, as the case may be, in excess of 50 per cent. of the total number of promotions in that service, department or office, or branch of that service, department or office.

(2) After parity has been reached, future recruitment to fill such vacancies shall be directed to the maintenance of parity between Muslims and non-Muslims.

"Parity" means equality in the number of permanent posts in any service, department or office, or branch of any service, department or office, between Muslims and non-Muslims, and shall be deemed to have been reached as soon as the number of Muslims therein is, as nearly as possible, 50 per cent. of the total permanent strength.

Schools in Midnapore and Bankura.

75. Rai Bahadur MANMATHA NATH BOSE: Will the Hon'ble Minister in charge of the Education Department be pleased—

(*a*) to state the number of (*i*) high English schools, (*ii*) middle English schools, (*iii*) senior madrasahs, and (*iv*) junior madrasahs, in the districts of Bankura and Midnapore; and

(*b*) to lay on the table of the House, a statement showing—

(*i*) the names,

(*ii*) the amount of monthly grants, and

(*iii*) the number of students on the roll on the 31st December, 1940, of each of these institutions which receive grants from—

(1) the District Boards of Bankura and Midnapore, and

(2) the Government of Bengal?

The Hon'ble Mr. A. K. FAZLUL HUQ: A statement furnishing the information is laid in the Library.

Rai Bahadur MANMATHA NATH BOSE: Will the Hon'ble Minister be pleased to state why such unequal grants are given to different schools, as will appear from high schools grants given to Midnapore district, *e.g.*, No. 2 is paid Rs. 25 on account of 154 boys, whereas another school in the same subdivision, namely, (1) which is paid Rs. 100 for 150 boys and another school is paid Rs. 100 for 248 boys. So with regard to middle English school what I wish to know is whether there is any principle followed in making these grants?

The Hon'ble Mr. A. K. FAZLUL HUQ: The grants are made on the recommendations of the Inspector of Schools of the division concerned. The Director of Public Instruction with his staff scrutinises the case put forward by each institution. It is very difficult for Government to explain the reasons of the apparent inequality in the treatment meted out to the different institutions. But every care is taken that the real needs of the institutions are met. It is not possible for me to give further information.

As regards the principle, the whole thing is in the hands of the Director of Public Instruction who acts on the information supplied and recommendations made by the Inspectors of Schools.

Schools and madrassahs in Jessore.

76. Mr. BANKIM CHANDRA DATTA (on behalf of Mr. Shrish Chandra Chakraverti): (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to make an enquiry whether it is a fact that the Jessore District Board have reduced the number of the lower primary and upper primary schools in the district and increased the number of junior and senior madrassahs and decreased the grants to the lower primary and upper primary schools and increased the grants to the senior and junior madrassahs?

(*b*) Will the Hon'ble Minister be pleased to state the number of lower primary and upper primary schools and senior and junior madrassahs in 1921 and in 1940 in the district of Jessore and how much did they receive in the way of grants in these two years respectively?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) An enquiry has been made. As the number of madrassahs under the Board has increased and the Board's contribution for their maintenance has been enhanced, there has been a similar increase in the number of Board's contribution in respect of maktabs and primary schools, with the exception of lower primary schools only. The general policy is to do away with lower primary schools in favour of 4-class primary schools.

(*b*) A statement furnishing the information is laid on the Table.

Statement referred to in reply to clause (b) of question No. 76.

1920-21.

	Class of School.	Number.	Amount of grant paid.
			Rs.
1.	Lower Primary Schools	1,046	25,171
2.	Upper Primary Schools	141	
3.	Lower Primary Maktabs	398	7,433
4.	Upper Primary Maktabs	Nil	
	Total ..	1,585	32,604
5.	Reformed Scheme Junior Madrasahs ..	3	680
6.	Old Scheme Junior Madrasahs	7	
	Total ..	10	680

1939-40.

1.	Lower Primary Schools	986	28,542
2.	Upper Primary Schools	415	
3.	Lower Primary Maktabs	698	16,945
4.	Upper Primary Maktabs	214	
	Total ..	2,313	45,487
5.	High Madrasahs	2	4,440
6.	Senior Madrasah	1	..
7.	Reformed Scheme Junior Madrasahs ..	28	10,540
8.	Old Scheme Junior Madrasahs	16	1,940
	Total ..	47	16,920

Private tuition undertaken by certain members of the Presidency College staff.

77. Mr. MOAZZEMALI CHOUDHURY: Will the Hon'ble Minister in charge of the Education Department be pleased to state the names of the members of the staff, on the Arts side, at the Presidency College who had got permission to undertake private tuition work, on remuneration, any time during the last five years (July, 1935, to April, 1940), together with the following particulars regarding each of them:—

(*i*) date of appointment in the College;
(*ii*) period during which engaged in private tuition;
(*iii*) amount of remuneration per month;
(*iv*) actual pay drawn from the Government at that time; and
(*v*) class to which the student coached belonged to and the subject coached in?

The Hon'ble Mr. A. K. FAZLUL HUQ: A statement furnishing the information is laid on the Table.

Statement referred to in reply to question No. 77, showing the names of the members of the staff on the Arts side at the Presidency College who had got permission to undertake private tuition work on remuneration during July, 1935, to April, 1940.

Name.	Date of appointment in the college. (i)	Period during which engaged in private tuition. (ii)	Amount of remuneration per month. (iii)	Actual pay drawn from the Government at that time. (iv)	Class to which the student coached belonged and the the subject coached. (v)
			Rs.	Rs.	
1. Mr. Guru Das Bhar ..	21-2-1930	20th September, 1934, to 31st March, 1936.	150	340	B.Sc. Class in Mathematics.
		July, 1936, to April, 1937 ..	100	380	Ditto.
		August, 1937, to February, 1938	100	380	2nd year (Mathematics).
2. Mr. Tarak Nath Sen	7-7-1937	August, 1935, to March, 1936	100	150	English.
		August, 1937, to April, 1938 ..	100	200	1st Year (English).
		July, 1938, to February, 1939	100	300	English.
3. Mr. Tarapada Mukherjee ..	2-7-1931	August, 1935, to March, 1936	100	300	English.
		December, 1935, to April, 1936	100	300	I. A. in (English).
		August, 1936, to February, 1937	100	300	Ditto.
		January, to March, 1939 ..	125	380	4th Year (English).
4. Dr. S. C. Sen Gupta ..	19-8-1935	1 year from 1st March, 1937 ..	125	380	1st Year (English).
		June, 1938, to February, 1939	150	450	English.
		1st July, 1939, to 31st March, 1940.	150	..	Ditto.
5. Mr. Sushobhan Chandra Sarkar ..	3-1-1933	3 or 4 months after Pujas and Christmas 1937.	600 lump.	552-8	I.C.S. candidate in History.
		January to June, 1939 ..	150	600	Ditto.
6. Mr. Sadananda Bhaduri ..	16-11-1933	July, 1938, to February, 1940	125	340	Pali (I.A.).

School Boards.

78. Mr. LALIT CHANDRA DAS (on behalf of Mr. Birendra Kishore Roy Chowdhury): Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) the districts in which the School Board under the Primary Education Act of 1930 has been set up;

(*b*) the number of members of each such Board and how many of them are elected, nominated and official; and

(*c*) how many of the elected, nominated and official members of each Board are Hindus and how many Muslims?

The Hon'ble Mr. A. K. FAZLUL HUQ: A statement furnishing the information is laid on the table.

Statement referred to in reply to question No. 78.

Name of the district in which a D.S.B. has been established.	Total number of members of the District School Board.				Number of Hindu members of the Board.			Number of Muslim members of the Board.		
	Elected.	Nominated.	Ex-officio.	Total.	Elected.	Nominated.	Ex-officio.	Elected.	Nominated.	Ex-officio.
Mymensingh ..	10	6	14	30	1	..	3	9	6	11
Bakarganj ..	8	5*	12	25	..	..	2	8	..	8
Tippera ..	6	4	9	19	1	1	1	5	3	8
Dacca ..	8	5	8	21	2	2	2	6	2	3
Howrah ..	4	3	6	13	4	..	3	..	3	2
Nadia ..	10	6	14	30	5	1	8	5	5	6
Murshidabad ..	8	5	12	25	4	2	7	4	3	5
Noakhali ..	4	3	6	13	..	..	3	4	3	3
Chittagong ..	4	3	6	13	..	2	1	4	1	4
Birbhum ..	4	3	6	13	4	1	4	..	2	2
Faridpur ..	8	5	8	21	2	1	2	6	3	5
Bogra ..	4	3	7	14	1	..	2	3	3	5
Pabna ..	4	3	8	15	2	..	3	2	3	5
Dinajpur ..	6	4	10	20	3	2	3	3	2	6†
24-Parganas ..	10	6	14	30	4	1	9	6	4	3
Rangpur ..	8	5	8	21	2	2	4	6	3	4
Jalpaiguri ..	4	3	8	15	3	1	6	1	2	1

*Nominations have not yet been made.
†One seat is vacant.
N.B.—Indian Christians or Europeans have not been shown.

Governing Body of the Feni College.

79. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) whether Sreejut Santimoy Datta, B.L., was a detenu three years ago and is a practising pleader at the Feni Courts since his release;

whether this year the General Committee of the Feni College presided over by the Subdivisional Officer, Feni, unanimously elected him as a member for the Governing Body of the Feni College and whether the police took this election as a reflection on them, having caused Santi Babu's detention three years ago;

(*c*) whether at the instance of the police, the Director of Public Instruction, Bengal, declared the election of Santimoy Babu mentioned above null and void on the ground of his political opinion;

(*d*) whether it is a fact that Khan Bahadur M. Goffran, the President of the Noakhali District Moslem League, and Mr. F. Karim, the Secretary of the Feni Subdivisional Moslem League, were also elected as members for the same Governing Body of the Feni College, and if so, whether those elections were also declared void due to their political opinions;

(*e*) whether it is a fact that Santimoy Babu's father, late Chandra Kanta Datta, Pleader, Feni, was one of the founders of the Feni College, a member of the General Committee, Board of Trustee and Governing Body of the Feni College, till his death in 1936; and

(*f*) whether Government propose to uphold the said election of Santimoy Babu to the Governing Body of the Feni College and allow him to function in that capacity; if not, will Government state the reason of refusal?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) and (*e*) Yes.

(*b*) He was unanimously elected as a member of the Governing Body of the Feni College at a meeting of the General Committee presided over by the Subdivisional Officer in the absence of the Magistrate-President. The Subdivisional Officer was not aware of the antecedents of Babu Santimoy Datta and for that reason did not raise any objection to his election at the time.

It is a fact that Babu Santimoy Datta was convicted under section 26 (*6*) of the Defence of India Rules and sentenced to rigorous imprisonment for six months and a fine of Rs.100 and was released from jail some time before the election. There was police report against Babu Santimoy Datta for his subversive activities.

(*c*) After the election, the Principal of the Feni College sent a copy of the resolution to the Director of Public Instruction along with a report on the previous antecedents of Babu Santimoy Datta. So did the Magistrate-President. The election of Santimoy Datta was accordingly disapproved by the Director of Public Instruction not

because of his detention three years before but because of his recent conviction under the Defence of India Rules. The Commissioner also reported him as a most dangerous character.

(*d*) They were elected and their election has not been disapproved.

(*f*) No. Under rule 4, section 1—General, of the grant-in-aid rules for colleges, decision of the Director of Public Instruction, Bengal, is final.

Mr. LALIT CHANDRA DAS: Arising out of (*b*), will the Hon'ble Minister be pleased to state whether, excepting the Subdivisional Officer who was present at that meeting, others knew about his antecedents?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is very difficult to say whether others knew it or not. That question was not raised and was not enquired into and I have got no materials to supply the information.

Mr. LALIT CHANDRA DAS: In the answer it is said that the Principal of the College sent a copy of the resolution to the Director of Public Instruction along with a report on the previous antecedents of Babu Santimoy Datta. Will the Hon'ble Minister be pleased to state whether at least this gentleman knew his antecedents when the meeting took place?

The Hon'ble Mr. A. K. FAZLUL HUQ: My information is that the Principal in submitting the resolution also sent a report on the previous antecedents of the gentleman in question.

Mr. LALIT CHANDRA DAS: Yes, that is exactly what the answer says. I ask now whether at the time of the meeting the Principal knew about his antecedents?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is not possible for me to say whether he knew it then or whether it was brought to his notice after the election.

Zohar and Asar prayers.

80. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether he is aware that Muslim clerks and peons serving in Government offices are not always allowed facility for saying their *Zohar* and *Asar* prayers by their officers;

(*b*) whether he is aware that they have some time to incur displeasure of their superior officers for being away for a few minutes for saying prayers; and

(*c*) whether the Government propose issuing a circular directing all its officers to allow half an hour for *Zohar* and fifteen minutes for *Asar* to all their subordinates?

The Hon'ble Mr. H. S. SUHRAWARDY (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) and (*b*) No.

(*c*) Orders are already in force throughout the Province directing that if offices and Courts are kept open after 5 p.m. between October and February, facilities should be given to Muslims for saying their *Asar* prayers. During the remaining months of the year Government offices ordinarily close before sunset and no special facilities are required.

In the Secretariat there is a recognised interval from 1-40 to 2 p.m. during which Muslim officers may say the *Zohar* prayer.

There is no similar direction applicable to mufussil Courts and offices, but no complaints have been received and I have no reason to believe that in the absence of a formal direction facilities to say the *Zohar* prayer have ever been withheld. If any complaint is preferred, it will be examined.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is the Hon'ble Minister aware that during the months of, say, December and January, the sun sets at 5 or 5-5 p.m. and so the *Asar* prayer has to be finished before that time?

The Hon'ble Mr. H. S. SUHRAWARDY: Even so, will the honourable member just read the answer? The answer is to the effect that between October and February if the Courts remain open after 5 p.m. facilities should be given to Muslims to say their *Asar* prayers in due time.

Appointment to the post of Assistant Superintendent, Bengal Government Press.

81. Maulvi ABUL QUASEM: (*a*) Is the Hon'ble Minister in charge of the Finance Department aware that in the Bengal Government Press, there is no Muslim gazetted officer and no Muslim in the Branch Supervision Staff and that the Communal Ratio Officer suggested that the post of Assistant Superintendent should be filled up by a Muslim?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) whether the post of Assistant Superintendent, Bengal Government Press, has been permanently filled up since being advertised in the *Calcutta Gazette*;

(*ii*) the number of applications received from (1) Muslims and (2) non-Muslims;

(*iii*) the number of candidates called for interview (1) Muslims and (2) non-Muslims;

(*iv*) the number of candidates actually interviewed (1) Muslims and (2) non-Muslims;

(*v*) what sort of examination was held by the Public Service Commission to judge merits of candidates and select suitable nominees therefrom;

(*vi*) who set questions and examined answer papers;

(*vii*) whether the candidates were first interviewed and then tested in a written examination or *vice versa*;

(*viii*) the number of nominees asked for by the Finance Department (1) Muslims and (2) non-Muslims;

(*ix*) the number of candidates nominated by the Public Service Commission (1) Muslims and (2) non-Muslims;

(*x*) the minimum and maximum age-limit fixed for the post; and

(*xi*) the name, age and qualifications of the nominated candidate or candidates?

(*c*) Does the Hon'ble Minister propose to call for all the applications and examine them and fill up the post of the Assistant Superintendent, Bengal Government Press, by a suitable Muslim candidate?

(*d*) If not, why not?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) There is no Muslim gazetted officer in the Bengal Government Press but there are 4 Muslims in the Branch Supervision Staff of the Press. Since the vacancy was advertised, Government have decided to reserve this vacancy for a Muslim.

(*b*)(*i*) No.

(*ii*) *to* (*iv*) By the courtesy of the Public Service Commission it has been ascertained that applications were received from 6 Muslims and 28 non-Muslims. The number of candidates called for interview was 4 Muslims and 10 non-Muslims and the number of candidates actually interviewed was 4 Muslims and 8 non-Muslims.

(*v*) to (*vii*) The Public Service Commission regret that they do not see fit to supply this information.

(*viii*) Finance Department asked for a list of 3 candidates arranged in order of preference, irrespective of caste or creed.

(*ix*) One; a non-Muslim.

In the notice inviting applications it was stated that the candidate must not be less than 27 or more than 35 on the 1st April, 1941. There was a rider to the effect that these restrictions might be waived in the case of a candidate already in Government service.

(*xi*) The Public Service Commission have recommended Mr. A. K. Guha, aged 23 years and 3 months. His qualifications are as follows:—

Passed the I.Sc. examination of the Calcutta University. Obtained certificate of training at the College of Technology, Manchester. Did a course of practical training in Manchester and Southampton. On return from England was employed in the Thacker's Press and in the Calcutta Corporation Press. Has worked as Assistant Superintendent, Bengal Government Press, in a temporary capacity since July, 1939, where his work has been found satisfactory.

(*c*) The attention of the honourable member is invited to the last sentence of the reply to (*a*) above.

(*d*) Does not arise.

Khan Bahadur ATAUR RAHMAN: Arising out of (*viii*) and (*ix*), though there were many candidates and though the Public Service Commission interviewed many candidates, what was the reason of sending the name of only one candidate instead of 3? Why Government request was not compiled with?

The Hon'ble Mr. H. S. SUHRAWARDY: It is not for me to speculate on the reasons which led the Public Service Commission to send up the name of only one candidate when the Finance Department askd for three. I would only like to draw the obvious conclusion that the Public Service Commission probably found that the other candidates did not come up to the standard.

Gambling on steamers.

82. Rai Sahib JATINDRA MOHAN SEN (on behalf of Mr. Sachindra Narayan Sanyal): (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether the Commissioner of Police gives the Chinese permission to gamble on steamers? If so, under what law?

(*b*) How many such steamers for this purpose have been chartered from Messrs. Miller & Co. and Port Commissioners during the last 6 months for the above purpose?

(*c*) Does gambling go on in those steamers *en route* to Achipore?

(*d*) Is there any difference between gambling on land and gambling on water in the eye of law? If so, what?

(*e*) Is it not a fact that the similar type of gambling on steamer was arrested by Mr. Evans, who is now the Assistant to the Inspector-General of Police and who was at the time of arrest the Deputy Commissioner, Port Police?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) No. It is never given by the Commissioner of Police under any law.

(*b*) and (*c*) Government have no information.

(*d*) No, there is no difference.

(*e*) Some persons were arrested for gambling on board a steamer in 1934 when Mr. Evans was Deputy Commissioner of Port Police.

Promotion in the Calcutta Police.

83. Rai Sahib JATINDRA MOHAN SEN (on behalf of Mr. Sachindra Narayan Sanyal): (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state how is promotion in the Calcutta Police regulated?

(*b*) Is it a fact that men in power overlook good service record at the time of giving promotion?

(*c*) Is it a fact that a number of senior Inspectors have been superseded in spite of good service record?

(*d*) Is the senior Deputy Commissioner of Police the Deputy Commissioner of Police, Headquarters?

(*e*) Does the Deputy Commissioner, Headquarters, officiate as Commissioner of Police when the Commissioner goes on casual leave?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Promotion depends on merit combined with seniority and both the factors are taken into consideration when promotions are made.

(*b*) No.

(*c*) Yes, because good service is not the only factor which counts. Personality and character are important factors for considerations in the promotion of officers.

(*d*) The Deputy Commissioner, Public Vehicles Department, is now the senior Deputy Commissioner of Police.

(*e*) No.

Alleged communal disturbance at Mymensingh.

84. Rai Sahib JATINDRA MOHAN SEN (on behalf of Mr. Sachindra Narayan Sanyal): (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that on the 23rd March, 1941, a large crowd of Muslims from outside numbering between 7 to 8 thousand strong tried to invade the town of Mymensingh and that the Additional Magistrate and the Superintendent of Police, Mymensingh, with a posse of constables and armed police beat it back?

(*b*) What was the communal situation there then? And how is it now?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) I have no information to this effect.

(*b*) I have no information to the effect that the situation either then or now is one of immediate gravity.

Bengal candidates to the I.C.S. Examinations.

85. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state if it is a fact that the candidates from Bengal have been faring very badly as compared with the candidates from other provinces at the I.C.S. Examinations held in India and England?

(*b*) If so, what measures have been adopted by the Government of Bengal to more efficiently equip the Bengalee examinees at the I.C.S. Examinations to be held hereafter? If not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) Tutorial classes have been started at the Presidency and Islamia Colleges in Calcutta for preparing candidates for the All-India Competitive Examinations. The Universities of Calcutta and Dacca have also been doing their best to help the intending candidates.

Precaution against possible air raids in Calcutta.

86. Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state what action the Government propose to take in protecting the general public of Calcutta against the effect of bomb in a possible air raid attack?

(*b*) Do they propose to provide any form of concrete and steel shelter for the public?

(*c*) Do they propose to subsidise the strengthening of private houses in Calcutta?

(*d*) If not, what are the reasons for not providing shelters?

(*e*) What would be the approximate cost for erecting shelters of moderate size?

(*f*) Have the Government tried by way of experiment to erect a shelter? If so, where and when?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Slit trenches will be dug in the open spaces so that members of the public who cannot seek shelter in buildings will be able to find protection there.

(*b*) and (*c*) No.

(*d*) Financial considerations make such a course impossible.

(*e*) I am unable to say; the matter is under investigation.

(*f*) No.

With regard to this question, Sir, I should like to modify the answer as it appears in the printed paper, as follows:—Since the reply that appears in the paper was approved, the policy of Government towards this question of the protection of the general public has been subjected to further consideration. A certain number of slit trenches has been provided and the possibility of providing structural protection is also being examined. I am not in a position yet to indicate what the cost of this would be.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: With regard to these slit trenches, is it not a fact that they have become a public nuisance owing to the accumulation of rain-water?

The Hon'ble Khwaja Sir NAZIMUDDIN: So far as I am aware, Sir, it is not so.

Anti-malaria work in Jessore.

87. Mr. K. C. ROY CHOWDHURY: Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*a*) if it is a fact that on 12th December last the Hon'ble Minister said on the floor of the House, that eight medical practitioners had been sent to Jessore by the Government for the purpose of carrying out anti-malaria work in that district;

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the names of the doctors who visited the villages under the Union Boards of Chandibarpur, Naldi, Singia, Durgapur in the Narail subdivision and Bonnagachi Union Board in the Magura subdivision,

(*ii*) the names of the villages under these Union Boards they visited, and

(*iii*) the name of the patient or patients they visited and the date of their visit; and

(*c*) if no doctors went to the villages under these Union Boards, will the Hon'ble Minister be pleased to state the reason thereof?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) Yes.

(*b*) Two medical licentiates, viz., Drs. Bishnupada Chatterji and Haripada Roy, were deputed by the District Board for attending to patients in the unions of Chandibarpur, Durgapur, Singia, Hargara and Naldi in Narail subdivision and one, viz., Dr. Nalini Kanta Sen, was appointed by the Singia Hargara Malaria Nibarani Samiti. No doctor was posted at Durgapur as this union derived full benefit from the doctors posted to the adjacent unions Naldi and Chandibarpur. No doctor was also deputed to Bunagachi union board as there is a well-equipped union board dispensary in that union. A copy each of the patients' registers of Drs. Bishnupada Chatterji and Haripada Roy are placed in the Library.

(*c*) Does not arise.

Grant for prevention of Malaria.

88. Mr. K. C. ROY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to place on the table of this House a statement, showing in detail, the amount of grants for the prevention of malaria, sanitation and rural welfare projects to each of the districts of Bengal and their names in the year 1937?

(*b*) Is the Hon'ble Minister aware that the amount of grant to Jessore for the above purposes is very low? If so, what is its reason?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) A statement is laid on the table.

(*b*) No. On the other hand grants made to Jessore are comparatively large as the table will show.

Statement referred to in reply to the Council question No. 88.

District.	Anti-malaria grant including grant for free distribution of quinine.	Sanitation.		Rural welfare project such as improvement of village communications, playing-fields, recreation ground, etc.
		Water-supply.	Other works.	
	Rs.	Rs.	Rs.	Rs.
Burdwan	11,515	12,752	1,175	7,758
Birbhum	3,825	23,285	650	7,156
Bankura	4,005	22,775	300	1,362
Midnapore	13,850	44,167	..	30,198
Hooghly	9,885	17,787	..	4,450
Howrah	5,325	6,984	..	732
24-Parganas	16,450	36,873	..	900
Nadia	13,160	20,855	5,230	5,825
Murshidabad	8,155	16,000	..	..
Jessore	9,105	29,219	..	7,513
Khulna	10,225	21,435	..	..
Dacca	12,075	13,374	..	..
Mymensingh	16,150	38,044	..	4,890
Faridpur	7,775	15,234	..	2,388
Bakarganj	20,660	16,610	..	8,080
Chittagong	11,825	12,422	..	9,522
Tippera	5,505	50,187	..	13,738
Noakhali	6,975	27,470	..	..
Rajshahi	9,550	5,725	1,440	3,180
Dinajpur	11,275	9,710	200	1,706
Jalpaiguri	5,875	13,880	730	1,630
Rangpur	9,365	3,410	531	1,794
Bogra	4,215	6,000	..	..
Pabna	7,365	11,225	..	3,639
Malda	7,205	7,630	..	2,120
Darjeeling	3,735	5,724	..	..

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state on what principle the water-supply and sanitation grants are made? For instance, it is found that for the Mymensingh district which is the largest district in Bengal, it is about Rs. 38,000, whereas small districts such as Midnapore and Tippera get more than what Mymensingh gets? Is this done on the principle of density of population, or what?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: The grants are given on the report of the Director of Public Health; but in the new scheme which we are going to introduce this year, we are going to have water-supply arrangements for all the districts.

Free use of cabins in Medical College Hospital by Assistant Surgeons.

89. Rai Bahadur MANMATHA NATH BOSE (on behalf of Mr. Humayun Kabir): (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state if it is a fact that even the non-Assistant Surgeons attached to the Medical College Hospitals are allowed to enjoy the facilities of using the cabins of these hospitals, free of charge, in cases of their personal illness while the Assistant Surgeons employed in Government service but outside the Medical College Hospitals have been deprived of them by reason of the recent modification of the rules relating thereto?

(*b*) Will the Hon'ble Minister be pleased to state whether this step has been prompted by consideration of economy? If so, will the Government indicate how much saving to the Provincial Exchequer has been effected by this step since the enforcement of these modified rules?

(*c*) Has similar modified rules been enforced in the case of Sub-Assistant Surgeons under the Government with regard to the use, by them, of cabins in the Campbell Hospital?

(*d*) Do the Government propose to restore the privileges so long enjoyed by the Assistant Surgeons and the Sub-Assistant Surgeons as referred to in paragraphs (*a*) and (*c*) above? If not, why not?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) Medical Officers attached to the Medical College Hospitals, Calcutta, Campbell Hospital, Calcutta, Carmichael Hospital for Tropical Diseases, Calcutta, and Mitford Hospital, Dacca, are entitled to the concession of free treatment in cabins of these institutions.

(*b*) Yes. The old concessions were withdrawn not only in pursuance of a policy of constructive retrenchment, but the fact that members of other services of Government were not entitled to such privileges, was taken into consideration.

As regards saving to the Provincial Exchequer, it is reported that the Hospital charges realisable under the new rules on account of rents of cabins for the period from the 21st December 1939, to the 2nd April, 1941, amount to Rs.310-8. Had the patients been subjected to the old rules a sum of Rs.250-4 would have been realised. There has thus been a gain of Rs.60-4 in revenue due to the introduction of new rules.

(*c*) Yes.

(*d*) I shall look into the matter.

Narandia Union Board.

90. Khan Sahib ABDUL HAMID CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state if it is a fact—

(*i*) that there is a Union Board known as Narandia Union Board under Kalihati thana in Tangail subdivision of the Mymensingh district;

(*ii*) that Afaz Uddin Talukdar was a member of the said Union Board, who died more than a year ago; and

(*iii*) that no action has yet been taken to fill up the vacancy caused by the aforesaid death?

(*b*) If the answer to paragraph (*a*) (*ii*) above, be in the affirmative, will the Hon'ble Minister be pleased to assign reason of delay in taking action in the matter?

(*c*) Will the Hon'ble Minister be pleased to state if the Government propose to take action to fill up the aforesaid vacancy immediately? If not, why not?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) (*i*) Yes.

(*ii*) Yes, an elected member.

(*iii*) and (*b*) The occurrence of the vacancy was reported to the Subdivisional Officer by the Union Board staff in January last, but immediate action could not be taken to fill up the vacancy as the Circle Officer was engaged in the Census and other urgent works.

(*c*) Steps have already been taken to hold a bye-election to fill up the vacancy and notices calling for nomination of candidates have been issued.

Elections to Local Boards in Burdwan.

91. Rai Sahib JOGINDRA NATH RAY: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state when have the existing Local Boards in the district of Burdwan been constituted?

(*b*) Is it a fact that the Local Board elections in each of the subdivisions of the said district were held in February, 1939? If so, why are not the new Boards functioning?

(*c*) Was there a case filed for setting aside the Local Board election of the Sadar subdivision? What was the result?

(*d*) Did the Government take any legal opinion on the subject before the said election, and after the institution of the said case? If so, will it be laid on the table of the House?

(*e*) Have the names of the appointed members been published? If not, why is this inordinate delay?

(*f*) Is it not a fact that clause (*3*) of section 19A of the Bengal Local Self-Government Act lays down that members of District and Local Boards shall hold office for a term of 5 years from the date of the first meeting of each Board of which a quorum is present? If so, why are not the Boards constituted yet?

(*g*) When are the new Local Boards likely to be constituted?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) In August, 1934.

(*b*) No. The last general election of the Asansol Local Board was held in March, 1939, while those of the Sadar, Kalna and Katwa Local Boards took place in March, 1940.

Under rule 48 of the Election Rules under the Local Self-Government Act, which is a statutory rule, the names of the elected and appointed members of Local Boards are required to be published simultaneously. The new Local Boards cannot function until the names of their elected and appointed members have been published under the aforesaid rule. All the Local Boards of the Burdwan district except the Sadar Local Board have been reconstituted and each Board has held its first meeting at which a quorum is present.

(*c*) Yes. The election of 9 members of the Sadar Local Board has been declared illegal by the Civil Court.

(*d*) Yes. Government regret their inability to accede to the honourable member's request as all legal opinions obtained by them are treated as confidential.

(*e*) Yes, but the honourable member's attention is also invited to the concluding portion of the clause which covers the period between the date of expiry of the term of 5 years and the date of the first meeting of the next reconstituted Board at which a quorum is present.

(*f*) The reconstitution of the Sadar Local Board depends on the result of the appeal preferred against the decision of the Civil Court referred to in the reply to clause (*c*) above. The remaining Local Boards have been reconstituted.

(*g*) Does not arise.

Khan Bahadur NAZIRUDDIN AHMAD: Arising out of (*c*), will the Hon'ble Minister be pleased to state if the election of one member has been declared illegal instead of nine?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: As far as I am aware, election of nine members has been declared illegal.

Khan Bahadur NAZIRUDDIN AHMAD: Will the Hon'ble Minister be pleased to make an enquiry?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Yes.

Khan Bahadur NAZIRUDDIN AHMAD: Will the Hon'ble Minister be pleased to state if it is a fact that the Bengal Local Self-Government Act has been amended recently when the appeals referred to in answer (*g*) were pending—while the appeals were pending the law has been amended by the Legislature?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: The honourable member is no doubt aware that this House has passed this Act and I cannot help it.

Khan Bahadur NAZIRUDDIN AHMAD: Is it a fact that retrospective effect has been given to the provisions of the Act so as to affect these pending cases?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Unfortunately, Sir, I cannot interfere with the Act.

Rai Sahib JOGENDRA NATH ROY: Sir, it is said in the answer that general election was held in March, 1939, while those of the Sadar, Kalna and Katwa Local Boards took place in March, 1940, now,

my question is why the names of the members elected and nominated were gazetted and published so long after as 22nd May, 1941—what is the reason for this inordinate delay?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Will the honourable member kindly repeat his question?

Mr. PRESIDENT: Order, order. (Referring to Rai Sahib Jogendra Nath Roy.) After putting a supplementary question, the honourable member should take his seat and wait for the answer.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: What is his question, Sir?

Mr. PRESIDENT: The honourable member wants to know why this inordinate delay took place in publishing the election results in the gazette?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: As honourable members are aware, it has to pass through the departments and the local officers and hence the delay.

Rai Sahib JOGENDRA NATH ROY: Arising out of (*d*), is there any rule saying that all legal opinions submitted should be treated as confidential?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have already stated that in my answer.

Mymensingh District Board.

92. Mr. HUMAYUN KABIR: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether there is any law or rule framed by Government under which travelling allowances drawn by office-bearers of District Boards should bear a definite proportion to the total income of the District Board? If not, will he be pleased to state whether a District Board is entitled to sanction huge amounts for being spent on travelling allowances of the Chairman and Vice-Chairman and other office-bearers of a Board?

(*b*) Will the Hon'ble Minister be pleased to state whether the Government has any power to interfere in cases where excessive amounts have been spent by District Boards on travelling allowances of office-bearers, namely, the Chairman and the Vice-Chairman of the

Boards irrespective of the fact whether such allowances bear reasonable proportion to the total income of a District Board?

(*c*) Will the Hon'ble Minister be pleased to state the amount of travelling allowance drawn by Chairman and Vice-Chairman and the members of a District Board of Mymensingh during last three years and will he be pleased to state the ratio which such amount bears to the total income of the said Mymensingh District Board?

(*d*) Will he be pleased to state the ratio that the travelling allowance drawn by the Chairman, Vice-Chairman and the members of the District Board bears to the total amount of money spent on education, tube well and rural health and sanitation of the said Board during the said period?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) No. The honourable member is referred to rules 116 and 118 of the Local Self-Government Account Rules for District Boards in Bengal, a copy of which is laid in the Library.

(*b*) Under Government Circular Nos. 636-40T.—L.S.-G., dated the 28th October, 1920, and rule 120 of the Local Self-Government Account Rules for District Boards, Commissioners of Divisions, and the Chairmen of District Boards are the controlling officers for the purpose of passing bills for travelling allowances drawn by the Chairmen of District Boards and by the Vice-Chairmen and members of District Boards respectively. Copies of the rule and of the Government circular are laid in the Library.

(*c*) Amounts of travelling allowance drawn by Chairmen, Vice-Chairmen of the District Board and the Local Boards and members of these bodies in the Mymensingh district—

	Rs.
In 1937-38	11,012
In 1938-39	17,076
In 1939-40	15,995

Total receipts of the district of Mymensingh—

	Rs.
In 1937-38	11,23,986
In 1938-39	9,94,347
In 1939-40	10,09,412

Percentage of the above travelling expenses to total income of the District Board—

In 1937-38	·97
In 1938-39	1·7
In 1939-40	1·5

• •

(d) Total amount spent on education, public health and water-supply—

	Rs.
In 1937-38	4,60,561
In 1938-39	5,52,767
In 1939-40	4,88,206

Percentage of travelling expenses to the total amounts spent on the above items—

In 1937-38	2·3
In 1938-39	3
In 1939-40	3·2

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if he has any information as to the abnormal increase in the percentage of total travelling expenses under item (c) for the year 1938-39?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have not got the information but I can find it out if the honourable member wants.

Mr. HUMAYUN KABIR: I shall be thankful if it is done.

School of Tropical Medicine.

93. Mr. LALIT CHANDRA DAS (on behalf of Mr. Birendra Kishore Roy Chowdhury): Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(a) if the Calcutta School of Tropical Medicine is maintained by the Government of Bengal;

(b) what amount of money has been spent on the School by the Government of Bengal during each of the last four years;

(c) how long has the present Director of the School been employed in this institution and what is his present age;

(d) how many of the Professors and Assistant Professors of the School are Bengalis and how many are Indians of other provinces and how many are non-Hindus;

(e) what is the total number of other employees excluding the menials in the School and how many of them are Bengalis; and

(f) how many doctors and chemists have been appointed in the School during the last five years and how many of them are Bengalis?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) Yes.

		Rs.
(*b*)	1937-38	2,99,775
	1938-39	2,96,344
	1939-40	2,88,248
	1940-41	2,73,965

(*c*) Since 1st August, 1921 (reappointed after retirement from I.M.S. with effect from the 17th August, 1939). Age 59 years.

(*d*) There are 19 Professors and Assistant Professors in the School, of whom 15 are Bengalis, 3 are Indians from other provinces and one is a European.

(*e*) Excluding the menials, there are 37 other employees, who are all Bengalis.

(*f*) Two doctors and one chemist have been appointed during the last 5 years and all of them are Bengalis.

Appointment of Chief Executive Officer of the Calcutta Corporation.

94. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether it is a fact that the Chief Executive Officer in the person of Mr. J. C. Mukherjea was twice appointed by the Calcutta Corporation recently and twice disapproved by the Government? Why was not the appointment approved?

(*b*) How is the Chief Executive Officer's work being carried on?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) Yes. Government have since approved the appointment of Mr. J. C. Mukherjea as Chief Executive Officer for a period of 15 months from the 1st April, 1941.

(*b*) Does not arise.

Baroyaghona Khal of Noakhali.

95. Rai Sahib JATINDRA MOHAN SEN (on behalf of Mr. Ranajit Pal Chowdhury): Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*a*) what is the purpose of Government for incurring the large expenditure of about a lakh of rupees for cutting the Baroyaghona *khal* in the district of Noakhali;

(*b*) whether it is a fact that due to the cutting of this *khal*, the property and houses of innumerable residents of that locality has been put in danger of being washed away;

(*c*) whether he has provided for the payment of damages to the people who will necessarily suffer from the cutting of the Baroyaghona *khal;* and

(*d*) whether it is a fact that a similar project was suggested some years ago, and Government rejected the proposal on the ground of the risk of damage to properties of the villagers?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) It was reported that as it would take a few years to shift the headquarters of Noakhali to a new site and as the erosion by the *khal* was still going on, there would be considerable distress to the people unless some immediate protection, though temporary, was given. Government therefore decided to take up the scheme for diverting the *khal* and putting up two dams across it with a view to affording temporary protection to the town.

(*b*) and (*c*) It cannot be said at this stage whether the property of innumerable persons of the locality are likely to be washed away but in case anybody's property is really affected Government will no doubt consider whether he should be provided with Khas Mahal lands elsewhere.

(*d*) The proposal suggested some years ago was for a cross bund across the Noakhali *khal* together with a drainage sluice. It was rejected mainly on the ground of heavy cost.

Case No. 5 of 1939.

96. Rai Sahib JATINDRA MOHAN SEN: Will the Hon'ble Minister in charge of the Judicial Department be pleased to state—

(*a*) if he has read the judgment of the Sessions Judge in the reference cases arising out of the two cases under section 110, Criminal Procedure Code, referred to in question Nos. 57, 58 and 59 and answered on the 10th February, 1941, in the Bengal Legislative Council;

(*b*) whether it is a fact that in the judgment the learned Sessions Judge has made the following observations regarding the trying Magistrate:—

"The truth of the matter is, I believe, that the learned Magistrate realised that at the end of this long proceeding he had to show some result, otherwise it might

have affected his future career. I entirely sympathise with the learned Magistrate in this, because there is reason to suppose that his fears might be justified";

(*c*) if he has enquired about the influences which were brought to bear on the learned trying Magistrate to induce him to show some result as otherwise his future career might have been affected;

(*d*) whether it is a fact that in the said judgment the learned Sessions Judge further observed:—

"Apart from the questions of law, on the merits alone I have held that these orders cannot be upheld and I can only stigmatise the enquiry as an appalling waste of public time and money and the reference to this court, which had not the questionable advantage of seeing the witnesses, as an intolerable burden and waste of time;"

(*e*) what are the names of the police officers who conducted the preliminary investigations and who recommended the prosecution; and

(*f*) whether Government contemplate any action against those who were responsible for launching those abortive prosecutions?

MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) Yes.

(*b*) Yes. In the judgment in reference case No. 5 of 1939.

(*c*) Government are not aware of any such influence.

(*d*) Yes, in the same judgment.

(*e*) The preliminary investigation was conducted by Inspector Maulvi Nashimuddin Ahmed. The result of the Inspector's enquiries was communicated to the Deputy Inspector-General of Police, Rajshahi Range, who consulted the Commissioner, Rajshahi Division. Later there was a conference of the Commissioner, Rajshahi Division, Deputy Inspector-General of Police, Rajshahi Range, and the Superintendent of Police, Dinajpur, where a tentative decision was made to proceed against the zemindars. Subsequently Babu Bidhu Ranjan Lahiri, Advocate, Rangpur, was consulted and his legal opinion was taken before launching the prosecution.

(*f*) No.

Rai Sahib JATINDRA MOHAN SEN: Will the Hon'ble Minister be pleased to state if there are not innumerable instances in the records of the case and in the judgment of the learned Judge indicating the influence that was brought to bear on him?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: We are not aware of any influence on the trying Magistrate. The Magistrate in question has left the Judicial line and has joined the Executive Service.

Rai Sahib JATINDRA MOHAN SEN: Was he found to be incompetent after the decision of this case?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I have already said that he has himself preferred the Executive line.

Questions tabled for the Current Session.

Rules to be framed under the Bengal Patni Taluks Regulation (Amendment) Act, 1940.

1. Khan Bahadur REZZAQUL HAIDER CHOWDHURY: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether the Government has framed rules under sections 4, 10 and 11 of the Bengal Patni Taluks Regulation (Amendment) Act, 1940? If not, when do the Government propose to frame rules under that Act?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): Yes, the rules were published in the *Calcutta Gazette* of the 24th July, 1941.

Cess revaluation proceedings in Mymensingh.

2. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) whether the cess revaluation proceedings in the Mymensingh district are not going to be suspended *sine die*; and

(*b*) if the answer to part (*a*) is in the affirmative, why delay is being made in issuing orders of suspension?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government are at present re-examining the principles of Chapter VIIA of the Cess Act in the light of the experience of the application of these principles so far gained, with a view to see if any amendment of these principles are called for. Pending a final decision on this question the revaluation

operations in the Mymensingh district have been allowed to proceed. Whether the revaluation operations will be completed or, if completed, whether the revaluation will be given effect to, will depend on the final decision of Government in the matter.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister kindly state if it was not settled that in those districts where the operations had not proceeded far enough, the operations should be stopped pending a final decision?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir. Nothing was finally settled but I undertook to examine the whole matter. The examination is not yet complete and Government are not yet satisfied that the revaluation operations should be stopped; but I hope that they will be able to come to a decision before long.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please state who will be responsible for the expenditure if these revaluation proceedings have to be suspended?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, that is also one of the points which will have to be considered by Government.

Mr. HUMAYUN KABIR: In view of these circumstances, will the Government be pleased to consider the desirability of suspending the operations for the present?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir.

Adjournment motion.

Mr. PRESIDEDNT: Order, order. The Chair has received notice of the following motion for adjournment from Mr. Lalit Chandra Das:—

"That this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the situation which has arisen out of Government failure to adopt measures to alleviate the distress of the people of this province due to the inadequate supply and the consequent high prices of the very necessities of life, including, to mention only one item, say, rice which is now sold at rupees seven and annas eight per maund."

Prima facie, I consider that this motion is not in order. It seems neither definite nor urgent. Will Mr. Das please convince the Chair how his motion is in order?

Mr. LALIT CHANDRA DAS: Mr. President, Sir, in bringing in this adjournment motion I had no intention that this should be treated as a censure motion upon Government. My intention is only to draw the pointed attention of Government to the situation that obtains in our part of the country at the present moment. So far as the districts of Bakarganj, Noakhali and Tippera are concerned, much of the standing crops of jute as well as paddy has been washed away by flood and destroyed by storm and cyclone, and there is a great deal of distress in these areas at present. Government, by the Jute Control Bill, have restricted the cultivation of jute, and in these restricted areas the jute that was grown has been destroyed by storm and cyclone—most of it though not all of it. But whatever it is, this is the time when the *raiyat* expected to bring his crop to the market. Government have now got the power to control the speculators as well as the dealers, and yet it is a pity that just at this moment when the *raiyat* could get a higher price for his jute, it has fallen by Rs. 15 per bale. This, Sir, is only one side of the picture. Look at the other side. By reason of the destruction of the *aus* paddy the people have really fallen in want of paddy in our part of the country with the result that there has been an inadequate supply of rice. Now Government, as the controlling authority, can control every movement of rice. If there is any inter-provincial movement of paddy, and also, if there had been any attempt on the part of Government to import Burma rice by shipment, then much of the distress that prevails in our part of the country could have been alleviated. So, I submit that, knowing the situation in the country as I do, the people are in great hardship and the purchasing power of the labourers has greatly dwindled. Rice which was selling at Rs. 5 per maund at the time of the prorogation of this House in April last has risen to more than Rs. 7-8 per maund during these 3 or 4 months—an unprecedented rise to take place in regard to an article which is an absolute necessary of life. With regard to cloths, its price also has gone up by twelve annas per pair, and similar is the case with vegetables. Therefore, Sir, my submission is that this matter is of urgent public importance. It has affected a very large part of the population who have been affected, in addition, by the great cyclone and storm. As I began by saying, Sir, I do not intend this motion should be regarded as a censure motion——

Mr. PRESIDENT: Order, order. I hold that your motion is neither urgent nor definite. Therefore, it is out of order.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, with regard to this motion may I——

Mr. PRESIDENT: Order, order. The motion in question is not before the House now. It has been disposed of.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I wanted to make a suggestion with regard to the price of rice.

Mr. PRESIDENT: What is your suggestion?

The Hon'ble Mr. H. S. SUHRAWARDY: My suggestion is that if the honourable member puts down a short-notice question, he will get the answer.

Mr. LALIT CHANDRA Das: Thank you.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I with your permission present the reports of the Select Committees——

Mr. PRESIDENT: There are other motions to be taken up first. I will call you in the proper time.

Bengal Agricultural Debtors (Amendment) Bill, 1940, of Khan Bahadur Saiyed Muazzamuddin Hosain.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to give notice that during the current session I shall move the following amendment to the motion of Khan Bahadur Saiyed Muazzamuddin Hosain, M.L.C., purporting to refer his Bengal Agricultural Debtors (Amendment) Bill, 1940, to a Select Committee, namely:—

"That the Bill be recirculated for the purpose of eliciting opinion thereon by the 31st March, 1941".

Mr. HUMAYUN KABIR: On a point of order, Sir. Can the Hon'ble Minister move an amendment to his own Bill?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It is not in respect of my Bill. It is a separate thing.

The Bengal Agricultural Debtors (Second Amendment) Bill, 1940.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to give notice that during the current session I shall move that the Bengal Agricultural Debtors (Second Amendment) Bill, 1940, as settled in the Council, be passed.

Statement about action taken on non-official resolution.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I would like to make a statement before the House.

In accordance with the provisions of sub-rule (*2*) of rule 95 of the Bengal Legislative Council Procedure Rules, I have the honour to place for the information of the Council the following statement regarding action taken by Government on the resolution regarding grant-in-aid for the development of the handloom industry in Bengal, which was adopted at the meeting of the Council held on the 14th February, 1941:—

So far as the first part of the resolution regarding the development of the handloom industry from provincial revenues is concerned, active measures have been and are being taken by Government to stimulate the development of the industry in this province as funds permit. As regards the second part of the resolution relating to the continuance of the grant-in-aid made by the Central Government towards the development of the industry, a representation has been made to the Government of India for continuance of their subvention to this province. The proceedings of the Council containing the debate in connection with the resolution have also been placed before them for their favourable consideration.

Panel of Chairmen.

Mr. PRESIDENT: Under rule 6 of the Bengal Legislative Council Procedure Rules, I nominate—

(1) Mr. Kamini Kumar Dutta,

(2) Begum Hamida Momin,

(3) Raja Bhupendra Narayan Sinha Bahadur,

(4) Mr. J. B. Ross,

on the Panel of Chairmen for the current session.

Committee of Privileges.

Mr. PRESIDENT: Under rule 120 of the Bengal Legislative Council Procedure Rules, a Committee of Privileges is to be constituted by election. Under Standing Order 19 (*2*) (*i*) I therefore fix 1 p.m. on Tuesday, the 5th August, 1941, as the last date for receiving nominations for the said Committee.

Committee on Petitions.

Mr. PRESIDENT: Under rule 84 of the Bengal Legislative Council Procedure Rules, I nominate—

The Deputy President (Chairman, *ex-officio*),

(1) Khan Bahadur Ataur Rahman,

(2) Rai Keshab Chandra Banerji Bahadur,

(3) Mr. W. B. G. Laidlaw,

(4) Mr. Ranajit Pal Chowdhury,

on the Committee on Petitions, for the current financial year.

House Committee.

Mr. PRESIDENT: Under rule 122 of the Bengal Legislative Council Procedure Rules, I nominate—

The Deputy President (Chairman, *ex-officio*),

(1) Mrs. K. D'Rozario,

(2) Mr. Mesbahuddin Ahmed,

(3) Mr. W. F. Scott-Kerr,

(4) Rai Sahib Jatindra Mohan Sen,

(5) Mr. Kanailal Goswami,

(6) Khan Sahib Abul Quasem,

on the House Committee for the current session.

Library Committee.

Mr. PRESIDENT: Under rule 121 of the Bengal Legislative Council Procedure Rules, I nominate—

(1) Khan Sahib Abdul Hamid Chowdhury,

(2) Mr. W. B. G. Laidlaw,

(3) Dr. Kumud Sankar Ray,

(4) Dr. Radha Kumud Mookerji,

(5) Mr. Humayun Kabir,

(6) Mr. D. J. Cohen,

(7) Khan Bahadur Naziruddin Ahmad,

on the Library Committee for the current financial year.

Governor-General's Assent to Bills.

Mr. PRESIDENT: I have now to inform the honourable members that the following Bills which were passed by both Chambers of the Bengal Legislature have been assented to by His Excellency the Governor-General under the provisions of section 76(*i*) of the Government of India Act, 1935, namely:—

(1) The Bengal Co-operative Societies Bill, 1940.

(2) The Bengal Motor Spirit Sales Taxation Bill, 1941.

(3) The Bengal Finance (Sales Tax) Bill, 1941.

Governor's Assent to Bills.

Mr. PRESIDENT: I have also to inform the honourable members that the following Bills which were passed by both Chambers of the Bengal Legislature have been assented to by His Excellency the Governor under the provisions of section 75 of the Government of India Act, 1935, namely:—

(1) The Bengal Rural Poor and Unemployed Relief (Amendment) Bill, 1941.

(2) The Bengal Local Self-Government (Amendment) Bill, 1941.

(3) The Bengal Water-Hyacinth (Amendment) Bill, 1941.

Messages received from the Assembly.

The SECRETARY (Dr. S. K. D. Gupta): Sir, the following messages have been received from the Bengal Legislative Assembly:—

"(1) The Eastern Frontier Rifles (Bengal Battalion Amendment) Bill, 1941, as passed by the Bengal Legislative Assembly at its meeting held on the 7th April, 1941, has been duly signed by me and is annexed herewith. The concurrence of the Bengal Legislative Council to the Bill is requested.

M. AZIZUL HAQUE,

Speaker, Bengal Legislative Assembly.

(2) The Bengal Touts Bill, 1941, as passed by the Bengal Legislative Assembly at its meeting held on the 7th April, 1941, has been duly signed by me and is annexed herewith. The concurrence of the Bengal Legislative Council to the Bill is requested.

M. AZIZUL HAQUE,

Speaker, Bengal Legislative Assembly."

Sir, I herewith lay on the table (1) the Eastern Frontier Rifles (Bengal Battalion Amendment) Bill, 1941, and (2) the Bengal Touts Bill, 1941, which were passed at a meeting of the Bengal Legislative Assembly held on the 7th April, 1941.

Notice regarding consideration and passing of the Bengal Touts Bill, 1941.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I have the honour to give notice that during the current session of the Council I shall move the Bengal Touts Bill, 1941, as passed by the Bengal Legislative Assembly, be taken into consideration and passed as settled in the Council.

May I request the Hon'ble President to be good enough to permit the motions to be moved at short notice?

Laying of the Bengal Court of Wards Ordinance, 1941.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I with your permission lay before the House the Bengal Court of Wards Ordinance, 1941, as promulgated by the Governor of Bengal, under section 88 (*1*) of the Government of India Act, 1935?

Laying of the amendments to the Bengal Motor Vehicles Rules, 1940.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to lay before the House the amendments to the Bengal Motor Vehicles Rules, 1940, as notified in the Gazette from time to time.

The Bengal Criminal Law (Industrial Areas) Amendment Bill, 1941.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I have the honour to give notice that during the current session of the Council I shall introduce the Bengal Criminal Law (Industrial Areas) Amendment Bill, 1941, and shall also move that the Bill be referred to a Select Committee consisting——

Mr. PRESIDENT: The Bill has already been published in the Gazette and so notice is not necessary. You simply introduce it.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to introduce the Bengal Criminal Law (Industrial Areas) Amendment Bill, 1941.

Secretary (Dr. S. K. D. Gupta) then read the short title of the Bill.

Mr. PRESIDENT: The Bill is introduced.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to give notice that I intend to move that the said Bill be referred to a Select Committee consisting of the members named below with instructions to submit their report by the 18th August, 1941, and that the quorum of the Select Committee be fixed at four:—

(1) Khan Bahadur M. Abdul Karim,
(2) Mr. Khorshed Alam Chowdhury,
(3) Dr. Kasimuddin Talukdar,
(4) Mr. Kader Baksh,
(5) Khan Bahadur M. Shamsuzzoha,
(6) Mr. Sachindra Narayan Sanyal,
(7) Mr. Naresh Nath Mookerjee,
(8) Rai Sahib Jatindra Mohan Sen,
(9) Mr. J. B. Ross,
(10) Sir Thomas Lamb, and
(11) the Hon'ble Minister in charge of the Bill.

Mr. HUMAYUN KABIR: Sir, you have many times in this House laid down that the notice of the motion for consideration should not be moved at the same time as the Bill is introduced and in the case of Bills of the private members, at present the custom is that you do not allow such notices at all to be sent. We are not quite sure what exactly the position is. Is this only a notice for a Select Committee and will the matter be taken up later, or, is it going to be taken up immediately?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is only a notice; it will be taken up later on. It is not going to be taken up to-day.

Mr. PRESIDENT: It is somewhat different. Government can introduce Bills in two ways. Like the non-official members, they may give notice asking for the leave of the House to introduce a Bill. The other process is by publishing the Bill in the *Calcutta Gazette* which dispenses with the necessity of asking for leave of the House to introduce a Bill. In this particular case, this Bill has been published in the Gazette; so, no formal permission of the House for introduction of the Bill is necessary. What the Hon'ble Minister now seeks to do is merely to give notice for reference of the Bill to a Select Committee.

The Workmen's Compensation (Bengal Amendment) Bill, 1941.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to introduce the Workmen's Compensation (Bengal Amendment) Bill, 1941.

Secretary (Dr. S. K. D. Gupta) then read the short title of the Bill.

Mr. PRESIDENT: The Bill is introduced.

The Hon'ble Mr. H. S. SUHRAWARDY: I also beg to give notice that in the current session of the Council I shall move that the Workmen's Compensation (Bengal Amendment) Bill, 1941, be referred to a Select Committee consisting of the following members with instructions to submit their report by the 15th August, 1941, and that the quorum of the Committee be fixed at four:—

(1) Mr. Latafat Hossain, M.L.C.,

(2) Mr. K. C. Roy Chowdhury, M.L.C.

(3) Khan Bahadur Naziruddin Ahmad, M.L.C.,

(4) Mr. Abul Quasem, M.L.C.

(5) Mr. J. B. Ross, M.L.C.

(6) Mr. J. McFarlane, M.L.C.

(7) Mr. Naresh Nath Mookerjee, M.L.C.

(8) Mr. B. K. Roy Chowdhury, M.L.C.

(9) Mr. Lalit Chandra Das, M.L.C.,

(10) Raja Bhupendra Narayan Sinha Bahadur, of Nashipur, M.L.C., and

(11) the mover.

May I have your leave to move this motion on the 5th of the next month?

Mr. PRESIDENT: I take it that there is no objection.

(There was no objection.)

You will move it on the 5th of August, 1941. If any honourable member wants to send in amendments, he must do so within the next three days.

The Bengal Maternity Benefit (Tea Estates) Bill, 1941.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to introduce the Bengal Maternity Benefit (Tea Estates) Bill, 1941.

Secretary (Dr. S. K. D. Gupta) then read the short title of the Bill.

Mr. PRESIDENT: The Bill is introduced.

The Hon'ble Mr. H. S. SUHRAWARDY: I also beg to give notice that in the current session of the Council I shall move that the Bengal Maternity Benefit (Tea Estates) Bill, 1941, be referred to a Select Committee consisting of the following members with instructions to submit their report by the 20th August, 1941, and that the quorum of the Committee be fixed at four:—

(1) Begum Hamida Momin, M.L.C.,

(2) Khan Bahadur Mukhlesur Rahman, M.L.C.

(3) Khan Bahadur Rezzaqul Haider Chowdhury, M.L.C.,

(4) Khan Bahadur Ataur Rahman, M.L.C.,

(5) Mr. J. B. Ross, M.L.C.,

(6) Mr. J. McFarlane, M.L.C.,

(7) Mr. Sachindra Narayan Sanyal, M.L.C.,

(8) Dr. K. S. Roy, M.L.C.,

(9) Rai Bahadur Brojendra Mohan Maitra, M.L.C.,

(10) Rai Bahadur Manmatha Nath Bose, M.L.C., and

(11) the mover.

May I also have your leave to move this motion on the 5th of August, 1941?

Mr. PRESIDENT: I take it that there is no objection.

(There was no objection.)

You will move the motion on the 5th of August, 1941. Honourable members desiring to send in amendments must do so within the next three days.

The Bengal Patni Taluks Regulation (Amendment) Bill, 1941.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to introduce the Bengal Patni Taluks Regulation (Amendment) Bill, 1941.

Secretary (Dr. S. K. D. Gupta) then read the short title of the Bill.

Mr. PRESIDENT: The Bill is introduced.

The Bengal Criminal Law (Industrial Areas) Amendment Bill, 1941.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I want your permission to move my motion relating to the Bengal Criminal Law (Industrial Areas) Amendment Bill, 1941, on the 5th August, 1941.

Mr. PRESIDENT: I think there is no objection to the motion for reference of this Bill to the Select Committee being taken up on the 5th August.

(There was no objection.)

If any honourable member wants to send in amendments, he must do so within the next three days.

The Bengal Touts Bill, 1941 (as passed by the Assembly).

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, with regard to this Bill, may I submit that it may be taken up for consideration and passing on the 4th of the next month?

Mr. PRESIDENT: If several amendments are given notice of to this Bill, then it will be difficult to take up the Bill for consideration on the 4th of August, but I do not know whether it is a contentious Bill. I take it, however, that there is no objection to taking up the Bill on the day proposed by the Hon'ble Minister.

Khan Bahadur NAZIRUDDIN AHMAD: We have not yet got copies of the Bill, Sir. So, how can we take it up for consideration on the 4th?

Mr. PRESIDENT: Copies of the Bill are being circulated just now.

Mr. HUMAYUN KABIR: I think the question of the consideration of the clauses of this Bill is yet premature. For, in the first instance, the motion for taking the Bill into consideration will have to be passed and then only can amendments be tabled to the clauses of the Bill. We are prepared to take up the consideration motion on the 5th August, if the Hon'ble Minister so desires. But so far as the detailed consideration of the Bill, clause by clause, is concerned, it must have to take place some time after the preliminary motion is passed, and we on this side must have a clear week's time to do so. And you, Sir, also laid down this principle during the last session on many an occasion. I, however, do not oppose the motion to take it up for consideration on the 4th.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I do not think that that is the practice. The practice is that, after notice for consideration is given, during the interval amendments are

sent and I believe the time that has been given is quite enough for the purpose. Moreover, this Bill is practically a non-controversial Bill. The Lower House tabled four amendments only to its clauses, but they were all withdrawn afterwards. So, really speaking, the Bill is of such a nature that honourable members will have practically to think not much at all in the way of amendment. This is the position, and I leave the matter entirely to the House. If it desires to send in amendments, it may do so at once. Besides, it is a Bill which has been passed by the Lower House, and as such amendments may not be necessary in this House at all.

Mr. PRESIDENT: The motion for taking the Bill into consideration will be taken up on the 5th August, and amendments to the clauses on the 11th. I think this will suit the convenience of the House.

Mr. HUMAYUN KABIR: May I know which will be the last day for sending in notices of amendments?

Mr. PRESIDENT: Amendments may be sent in till the 8th August.

Presentation of Reports of Select Committees.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to present the report of the Select Committee on the Bengal Land Revenue Sales (Amendment) Bill, 1940, introduced by Khan Bahadur Saiyed Muazzamuddin Hosain.

I also beg to present the report of the Select Committee on the Bengal Public Demands Recovery Bill, 1940, introduced by Mr. Nur Ahmed.

The Bengal Agricultural Debtors (Second Amendment) Bill, 1940.

Mr. PRESIDENT: The House will now take up the consideration of the clauses of the Bengal Agricultural Debtors (Second Amendment) Bill, 1940.

Clause 1.

Clause 1 stand part of the Bill.

Mr. MESBAHUDDIN AHMED: I beg to move that in sub-clause (*1*) of clause 1 of the Bill, for the words, brackets and figures "(Second Amendment) Act, 1940" the words, brackets and figures "(Amendment) Act, 1941" be substituted.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*l*) of clause 1 of the Bill, for the words, brackets and figures "(Second Amendment) Act, 1940" the words, brackets and figures "(Amendment) Act, 1941" be substituted.

The question before the House is: that in sub-clause (*l*) of clause 1 of the Bill, for the words, brackets and figures "(Second Amendment) Act, 1940" the words, brackets and figures "(Amendment) Act, 1941" be substituted.

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is: that clause 1, as amended, stand part of the Bill.

(The motion was agreed to.)

Clause 2.

Mr. PRESIDENT: Clause 2 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, may I request that further consideration of the Bill may be postponed to-day, because we find a large number of amendments have been tabled by the Government as well as by other members and they will require careful consideration. So far as clause 2 is concerned, it is not by itself important. But I cannot foresee what the effect of the amendments tabled will be on this clause. I have sent several amendments which are very important, but owing to the delay in sending them, for which I am sorry, they have not been printed. I have asked for special permission to circulate them as they are very important and they are likely to be accepted by the House——

Mr. PRESIDENT: They have been printed.

Khan Bahadur NAZIRUDDIN AHMAD: I am grateful to you, Sir, for this. But I submit that further the consideration of the Bill should be postponed. As I have said, clause 2 is not important but that other clauses are very important. The discussion may, therefore, be postponed at this stage.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would submit Sir, that clauses 2, 3 and 4 are practically of no importance. So I would request my friend Khan Bahadur Naziruddin Ahmad to agree to the consideration of these clauses to-day. As a matter of fact, clause 5 is the only important clause in the Bill and the consideration of this clause may be postponed to-day. But with regard to clauses 2, 3 and 4, I think the House will be pleased to dispose of them to-day.

Mr. PRESIDENT: There is no amendment to clauses 2, 3 and 4; so these clauses may be taken up to-day.

The question before the House is: that clause 2 stand part of the Bill.

(The motion was agreed to.)

Clauses 3 and 4.

Mr. PRESIDENT: The question before the House is: that clauses 3 and 4 stand part of the Bill.

(The motion was agreed to.)

Khan Bahadur NAZIRUDDIN AHMAD: Clause 5 is very very controversial.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Yes, I agree and the amendments tabled to this clause do require some consideration. I am doubtful if we shall be able to do the whole work to-morrow. If the honourable members agree we might do some work.

Khan Bahadur NAZIRUDDIN AHMAD: Make it the day after.

Mr. PRESIDENT: Order, order. The House stands adjourned till 2-15 p.m. on Wednesday, the 30th July, 1941.

Adjournment.

The Council then adjourned till 2-15 p.m. on Wednesday, the 30th of July, 1941.

Members absent.

The following members were absent from the meeting held on the 28th July, 1941:—

(1) Mr. Kader Baksh.
(2) Mr. Shrish Chandra Chakraverti.
(3) Mr. Narendra Chandra Datta.
(4) Mr. Kamini Kumar Dutta.
(5) Khan Bahadur Alhadj Khwaja Muhammad Esmail.
(6) Mr Mohamed Hossain.
(7) Khan Bahadur Syed Muhammad Ghaziul Huq.
(8) Khan Bahadur Muhammad Asaf Khan.
(9) Rai Bahadur Brojendra Mohan Maitra.
(10) Mr. Naresh Nath Mookerjee.
(11) Dr. Radha Kumud Mookerji.
(12) Dr. Kumud Sankar Ray.
(13) Mr. Nagendra Narayan Ray.
(14) Mr. Birendra Kishore Roy Chowdhury.
(15) Mr. W. F. Scott-Kerr.

B. G. Press—1941-42—6186A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

Second Session—No. 2.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 30th July, 1941, at 2-15 p.m., being the second day of the Second Session, pursuant to section 62(2) (*a*) of the Government of India Act, 1935.

The President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Outstanding Questions of the previous Session

Enhancement of rent in Kishoreganj.

97. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether he is aware that the rents of the *khasmahal* and temporarily-settled private estate tenants of the Kishoreganj subdivision of Mymensingh district were substantially enhanced in the course of *jamabandi* four or five years ago?

(*b*) Is he aware that such enhancement was made even in *khasmahal* and temporarily-settled private estates of the *bhati* area or East Kishoreganj (Ashtogram, Nikhli, Itna thanas and parts of Karimganj, Sarail, Bajitpur, Bhairab and Kuliarchar thanas)?

(*c*) Is he aware that a large area held by tenants of the *bhati* has gone out of cultivation owing to the ravages of early flood and water-hyacinth?

(*d*) Is he aware that even such uncultivated areas were not left out of assessment but were assessed at the rate at which they used to be held when they were cultivable?

(*e*) What was the total *khasmahal* and temporarily-settled private estate revenue of Kishoreganj subdivision before *jamabandi* and after *jamabandi*?

(*f*) Does he propose to revise the rents of tenants of *bhati* area?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) and (*b*) During the last petty settlement operations in the area, fair and equitable rents were assessed after due enquiry in accordance with the provisions of Chapter X of

the Bengal Tenancy Act, with the result that in 3 Crown estates and 19 temporarily-settled private estates, the revenue was either reduced or remained unchanged and in 44 Crown estates and 97 temporarily-settled private estates, slight enhancement was made.

(*c*) An enquiry was started during the last spring, but it is not complete yet. It is not possible to furnish the information asked for until the enquiry is finished.

(*d*) No; assessment was made of cultivated lands after proper enquiry.

(*e*) Before *jamabandi* the revenue of Kishoreganj *Khasmahal* was Rs. 34,310 with a total number of 51 Crown estates and 45 temporarily-settled private estates under *khas* management, whereas after the *jamabandi* the revenue has come up to Rs.54,053 with a total number of 87 Crown estates and 55 temporarily-settled private estates under *khas* management.

(*f*) The matter may be considered, if necessary, after the final report of the enquiry referred to in (*c*) above, is received.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: With reference to (*e*), will the Hon'ble Minister kindly state what was the enhanced rent in respect of the estates of which the total rent is Rs. 34,310?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I think, I have given the total of the previous *jamas*.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: But it does not give the idea of what was the enhanced rent.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I can assure my honourable friend that the enhancement with regard to the old estates is very small. The additional rent is due to the additional new estates.

Embankment on the right bank of the Dwarka in the Murshidabad district.

98. Khan Bahadur ATAUR RAHMAN: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*i*) whether it is a fact that an embankment has been built by the District Board of Murshidabad with the fund placed at their disposal for relief work in 1938-39 on the right bank of the river Dwarka between the villages Indradangapara and Ruhigram on the plea of making a road;

(*ii*) the amount of money spent on it;

(iii) whether it is a fact that there is another road almost parallel to the embankment within a mile;

(iv) whether it has affected the drainage of other villages; and

(v) whether it was inspected by the Irrigation Engineer; if so, what is the opinion of the said Engineer?

(b) If no inquiry has been made by a Government officer, will the Government make an inquiry as to its usefulness as a road and its effect in the locality?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): The information is being collected and will be supplied as soon as possible.

Cultivation of bhati area of Mymensingh.

3. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(a) if a detailed enquiry was made this spring for finding out the extent to which the cultivable lands of the *bhati* area of Mymensingh have gone out of cultivation;

(b) if so, what was the result of the enquiry;

(c) what steps the Government propose to take for giving relief to the tenants holding such uncultivated lands both in Government Khasmahals and temporary settled private estates and in zemindari and talukdari mahals;

(d) whether the Government are aware that culturable lands have gone out of cultivation to a much greater extent in Nikhli and Itma thanas; and

(e) at what rate rent is being realised for lands that have gone out of cultivation from Khasmahal and temporary settled private tenants of Nikhli, Ashtogram, Bajitpur and Itma thanas?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) and (b) An enquiry was started during the last spring, but it is not complete yet.

(c) The question of giving relief to the tenants will be considered, if necessary, after the final report of the enquiry is received.

(d) and (e) It is not possible to furnish the information asked for until the enquiry is finished.

Failure of crops in the bhati area of Mymensingh.

4. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) whether he is aware that the last *boro* crops failed to the extent of about 12 annas in the *bhati* area of East Mymensingh;

(*b*) whether he is aware that owing to continuous rain in *Baisakh*, the whole of *bhati* area has been flooded even before the advent of *Jaista* with the result that about 1 anna of jute and 2 annas of *aman* could at best be sown;

(*c*) whether he is aware that very acute and widespread distress of famine is apprehended in the *bhati* area from *Sraban* next for nearly six months;

(*d*) if he is aware that from *Sraban* to *Aswin* no relief works can be started as the lands will be all under water; and

(*e*) what steps the Government propose to take for giving relief to the people of *bhati* area?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) The extent of failure is from 4 annas to 8 annas according to the level of the fields.

(*b*) Yes.

(*c*) Distress in the area, which is likely to last for the next six months, is apprehended.

(*d*) Earth work is not possible now; but other forms of relief works, principally paddy-husking, have been resorted to. When the level of water subsides, it will be possible to organise test works on a systematic and satisfactory scale.

(*e*) Relief is being afforded by advancing agricultural loans and giving gratuitous relief, and also by providing work in paddy-husking and other forms.

Adjournment Motion.

PRESIDENT: The Chair has received notices of two motions for adjournment. The first one, which has been tabled by Mr. Lalit Chandra Das, runs as follows:—

That this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the situation which has arisen out of the Government's order published on the 29th July, 1941, in a press-

communiqué, withdrawing the concessions of conditional release of thirty out of forty terrorists prisoners, conditions whereof were laid down in their communiqué, dated the 14th November, 1939.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I put in a few words, Sir?

Mr. PRESIDENT: Yes, Sir Bijoy Prasad.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: First of all, my objection to the adjournment motion is that this is not a definite matter of urgent public importance. This motion seeks to challenge an administrative order of Government and as such it cannot be called a matter of urgent public importance in the sense in which it is used in the Rules. I cannot anticipate your ruling, but that is my submission. Sir, if you decide to allow this adjournment motion, in that case I would request you to postpone its consideration till the Hon'ble Sir Nazimuddin, the Home Minister, is able to be present here. He is indisposed and it is not possible for him to attend to-day.

Mr. LALIT CHANDRA DAS: Sir, we have no objection if this matter is postponed in view of the absence of Sir Nazimuddin.

Mr. PRESIDENT: I have also been informed by the Hon'ble Sir Nazimuddin himself that he has been running a temperature and that therefore it will not be possible for him to attend. Accordingly, I postpone the consideration of this matter till he is able to be present in the House. The question of urgency will be waived, as notice for adjournment had been received in proper time, but the House is not in a position to consider it due to the absence of the Hon'ble Home Minister.

The House will now take up further consideration of the Bengal Agricultural Debtors (Second Amendment) Bill, 1940.

Bengal Agricultural Debtors (Second Amendment) Bill, 1940.

Clause 5.

Mr. PRESIDENT: The question before the House is that clause stand part of the Bill.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, with regard to some of the amendments, I have a few words to submit for your consideration. A number of new amendments have been received since we last met. We have considered all these amendments with

a view to seeing whether it is possible for Government to accept any of them, but we have not been able to come to any final decision. Moreover, it may be necessary to re-draft some of these new amendments and there are also a few amendments which will require the previous sanction of His Excellency the Governor. I would, therefore, request you, Sir, to postpone the consideration of this Bill to a future date if it suits the convenience of the House, so that we may be able to discuss the matter properly.

Mr. PRESIDENT: I may inform honourable members that notices of some amendments have been reeeived by the office very late to-day; some of them will also require the previous sanction of the Governer, if they are to be moved at all. So, it will be necessary in any case to wait for the previous sanction. Unless, therefore, there is any serious objection from the Opposition, I would like to accept the suggestion of the Hon'ble Minister and agree that the Bill may be taken up on Monday, the 4th August.

Mr. LALIT CHANDRA DAS: We have no objection, Sir.

Mr. PRESIDENT: The House now stands adjourned till 2-15 p.m. on Friday, the 1st August.

Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 1st August, 1941.

Members absent.

The following members were absent from the meeting held on the 30th July, 1941:—

(1) Mr. Kader Baksh.
(2) Khan Bahadur Rezzaqul Haider Chowdhury.
(3) Mr. Kamini Kumar Dutta.
(4) Khan Bahadur Alhaj Khwaja Muhammad Esmail.
(5) Mr. Mohamed Hossain.
(6) Khan Bahadur Syed Muhammad Ghaziul Huq.
(7) Alhadj Khan Bahadur Shaikh Muhammad Jan.
(8) Khan Bahadur Muhammad Asaf Khan.
(9) Sir T. Lamb.
(10) Dr. Radha Kumud Mookerji.
(11) Dr. K. S. Ray.
(12) Mr. Nagendra Narayan Ray.
(13) Mr. Birendra Kishore Roy Chowdhury.
(14) Mr. W. F. Scott-Kerr.

B. G. Press—1941-42—6224A—750.

BENGAL LEGISLATIVE COUNCIL DEBATES

Second Session—No. 3.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 1st August, 1941, at 2-15 p.m., being the third day of the Second Session, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

MR. PRESIDENT: The Chair has been informed that the Hon'ble Nawab Bahadur of Dacca is ill. So I postpone the questions relating to his department. Mr. Nur Ahmed, you put your question No. 5.

Increase in the price of rice.

5. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state if it is a fact that the price of rice and paddy has increased by more than 50 per cent. in all districts of Bengal, especially in Chittagong?

(*b*) If so, have any measures been adopted by the Government to give immediate relief to the poor people?

(*c*) If so, what are they?

(*d*) Is it a fact that many poor people are starving or having one meal a day owing to the abnormal rise in price of rice and paddy in Bengal?

(*e*) If so, what measures have been taken by Government of Bengal to give relief to these starving people?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): Information is being collected and will be supplied as soon as possible.

Improvement of roads.

8. Mr. NUR AHMED: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*a*) the total expenditure incurred out of provincial revenue a Government of India's grant—

(*i*) on improvement of roads,

(*ii*) on irrigation,

(*iii*) on drainage, and

(*iv*) on embankment, and

out of the total expenditure spent under each of these heads, how much was spent for each district, and what projects and schemes;

(*b*) whether it is a fact that there are heavy showers of rain at Chittagong mostly for six to eight months in a year and that during the rainy season motor traffic has to be stopped on all the roads of the mufassal areas of Chittagong;

(*c*) if so, whether the Government propose to improve at least those roads which are of provincial importance such as Ramgar Road, Arakan Road; if not, why not; and

(*d*) what is the total amount received by the Government of Bengal out of Government of India's Road Fund from 1937 to 1940, and how much of it has been spent in Chittagong?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): Necessary information is being collected, and the answer will be given when this is completed.

Income of certain ferries.

9. Rai Bahadur BROJENDRA MOHAN MAITRA and Rai Bahadur MANMATHA NATH BOSE: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to lay on the Table, a statement showing the income of the following ferries in 1817, in 1855, in 1864 and in 1940, namely:—

(*i*) the Guzar Gaurangapur or Kothal Kati Ferry; and

(*ii*) the Bispore Khaur Chauka Ferry?

(*b*) Has there been any fall in the revenue, in any year mentioned above? If so, will the Hon'ble Minister be pleased to state the reasons for such fall?

(*c*) Will the Hon'ble Minister be pleased to lay on the Table the copies of all the correspondence passed between J. P. Wards, Esq., Acting Secretary to the Board of Revenue, and W. R. B. Bonnett, Esq., Collector of Rajshahi, in 1817, with regard to the ferries mentioned above?

(*d*) Will the Hon'ble Minister be pleased to refer to the answer to Council question 41 given on the 12th August, 1938, and state if enquiries were made to the office attached to the Keeper of Records, Bengal?

Is it a fact that some copies had already been supplied to some private individuals and that the answer referred to above was given without making a thorough search?

(*f*) Will he be pleased to lay on the Table the copy of the said paper asked for in the said question?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am making necessary enquiries into the matter and shall try to let the honourable members know the result of my enquiries as soon as they are completed.

Work sircars of the Communications and Works Department.

10. Mr. K. C. ROY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state if it is a fact that a resolution regarding the grievances of the work sircars of the Communications and Works Department was moved on the floor of this House on March 21, 1941?

(*b*) Is it a fact that the Hon'ble Minister in charge of the Finance Department in course of his reply on behalf of the Hon'ble Minister in charge of the Communications and Works Department gave an assurance that the work sircars' grievance would be enquired into by the Government at an early date and that on this assurance the resolution was withdrawn?

(*c*) If the reply to parts (*a*) and (*b*) be in the affirmative, will the Hon'ble Minister be pleased to state if any actions have been taken with regard to part (*b*) or is intended to be taken therein? If so, what are they? If not, why not?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) and (*b*) Yes.

(*c*) Yes, a scheme has, after proper investigation, been drawn up for betterment of the conditions of service of the work sircars and will be examined for inclusion in the next budget.

Adjournment motion.

Mr. LALIT CHANDRA DAS: Sir, the Hon'ble Sir Nazimuddin has come to-day. May I submit that the adjournment motion which I moved the other day, and the question of urgency with regard to which was waived by you, may be taken up on Monday, so that all the members of my Party may be informed. It was postponed that day

on account of the absence of the Hon'ble Sir Nazimuddin, the Home Minister.

Mr. PRESIDENT: All right. The matter will be taken up on Monday next.

The Eastern Frontier Rifles (Bengal Battalion Amendment) Bill, 1941.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to give notice that I intend to move during the current session of the Bengal Legislative Council at the meeting to be held on the 6th August, 1941, that the Eastern Frontier Rifles (Bengal Battalion Amendment) Bill, 1941, as passed by the Bengal Legislative Assembly, be taken into consideration by the Council and passed. I would also request you to permit me to move the motion at short notice.

Mr. PRESIDENT: I think the motion is not contentious.

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Non-official Resolutions.

Mr. PRESIDENT: The House will now consider the following resolution moved by Mr. Nur Ahmed on the 4th of April, 1941, which was then partly discussed—

This Council is of opinion that the Government of Bengal be requested to draw up and put in operation a suitable scheme for the promotion of communal harmony in the province of Bengal as early as possible.

Alhadj Khan Bahadur SHAIKH MUHAMMAD JAN: Mr. President, Sir, while speaking on the resolution moved by my friend Mr. Nur Ahmed during the last session asking the Government to devise ways and means for the promotion of communal harmony in Bengal, I had said then that, in spite of what Government might do in this connection, there cannot be substantial improvement in the communal situation unless every one of us, whether Hindu or Muslim, cultivates an accommodating spirit in our daily dealings with one another. In short, the solution lies in our own hands, in the determination of the people of this province to subordinate their self-interests to a higher goal, namely, to the deliverance of this province from the black clouds of communalism in which we find Bengal to-day along with some other provinces in India. Sir, it is duty of everyone of us to create an atmosphere of mutual trust and goodwill and co-operation among the different communities of Bengal, especially among the Hindus and the

Muslims. We should redress all grievances from whatever quarters they might be made. We must not be a party to the new bones of contention which are created by some interested persons in the name of religion or for the safeguarding of some communal interests while in reality they are trotted out to consolidate their own power and position.

Maulvi ABUL QUASEM: Any instance?

Alhadj Khan Bahadur SHAIKH MUHAMMAD JAN: But there are some, who always want to manipulate the differences among the people. I do not want to mention particular instances as to who are they but there are some who want happy communal relations among the different communities. Therefore, Sir, what I say is this: that we should not fight for trivial gains, we should not break heads over petty provincial services or the Imperial posts. We must remember that even if all the services are reserved for one community, they cannot solve the economical problem of even one per cent. of the members of that community not to speak of the millions who are starving and who are illiterate.

Therefore, Sir, I think that we must concentrate our whole attention upon the ultimate goal, namely, emancipation of our country and our province from foreign subjugation as well as from class domination, so that everyone might get an equal opportunity to develop the vast resources of the country and we might be able to provide food and clothing and give education to the 400 millions of people of India and might be able to provide them those common amenities of life which are enjoyed by other free and self-governing people.

With these words, Sir, I support the resolution moved by my friend Mr. Nur Ahmed.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, Government welcome the spirit underlying this resolution. They are in full agreement with the object which the mover of this resolution has in view. But there is some difficulty as regards the duty that has been entrusted by this resolution on the Government, namely, "to draw up and put in operation a suitable scheme for the promotion of communal harmony in the province of Bengal as early as possible."

Personally, I am very much in agreement with the suggestion made by Mr. Hamidul Huq Chowdhury that this duty really should have been taken up by the mover of the resolution himself. If he could have given us some idea on what lines this scheme should be drawn up and how he expects to work it out, perhaps our task would have been easier.

Sir, we are grateful to the mover of this resolution for bringing this subject up before the Legislature. The situation in Bengal at the

present time is certainly daily deteriorating as far as the communal question is concerned. If discussion in the Legislature drawing attention to and focussing public opinion on this question will help in easing the tension and in bringing about a better relationship between the two communities, then the mover is indeed rendering a very valuable service to this province. Sir, I hope that it will have its effect. I regret that I was not present when this resolution was discussed on the previous day but I feel that something should be done to promote communal harmony. I was very much impressed by the suggestion made by the previous speaker, Khan Bahadur Muhammad Jan, and I fully agree with him that it is more a matter for the people of the province belonging to the two communities to solve rather than for the Government. I may not agree with the latter portion of his remarks, but there is no doubt that unless the Muslims and Hindus realise their responsibilities and cultivate a feeling of tolerance and accommodation, this question cannot be solved.

While in the Legislature speeches are delivered that there should be communal harmony but if at the same time in the Press and in some other platforms you have bitter speeches against each other, then no scheme whatsoever can help in bringing about better relationships. In this matter I feel, Sir, that a very great responsibility lies on the Press; in its hands lies, to a very great extent, the solution of this problem. If anyone thinks over this question, analyses the real situation, then he will find that after all public opinion is created to a large extent by what is written in the newspapers; at least that is always the claim put forward by the newspapers. If this be so, then it must be realised how important it is that newspapers should take up this question in real earnest. But continuous attacks by one community against the other and continuous writings in newspapers against the two communities in the newspapers have been mainly responsible for embittering the situation.

It may be alleged and it has often been alleged that Government by their action have also contributed towards this deterioration in the communal relationship. I do not think, however, that this is an occasion when Government should go into this question and give a reply to the charges made. No speaker has raised this point in discussing this resolution and therefore it will not be proper for me to give a reply to this point. But I can assure the House and through the House the people of this province that Government in all its actions and in all its legislative measures have always placed the interests of this province and of the people of the province in the forefront, and that they have never made any differentiation between one community and another and have always tried to deal with all questions fairly and justly. If representations are made to the contrary, it is unfortunate; but I feel that these charges cannot be borne out before any impartial tribunal.

Time and again specific allegations bearing on this matter have been refuted. I would, therefore, appeal to the members of both communities, to all those who reside in this province, to help Government and others who are anxious to promote communal harmony. It is no use merely pointing out the fact, which is quite self-evident, that these communal bitternesses, these communal bickerings have done irreparable harm to this province. Wherever there has been communal disturbance, grievous loss has been suffered by the people of both the communities; and no one can claim any advantage whatsoever. I feel that if nothing is done, things may get still worse. As the Home Minister, it is my definite opinion that at the present time as far as the communal situation is concerned, it is in a very bad way. Everywhere there is a feeling of hostility amongst the people of the two communities.

Now, Sir, the resolution asks the Government to draw up a scheme for improving the situation. Unfortunately, I did not have the privilege of hearing the mover of the motion and I do not know if he has made any concrete suggestion as to on what lines progress should be made. But my suggestion is that responsible leaders on both sides and the newspapers should take this question up and try and confine the issues to their proper sphere, where they should be. For example, if there is political controversy over any issue, there is no reason why that controversy should not be carried on. But bitterness, hatred and suggestions of Direct Action and violence should not be indulged in. This, in my opinion, is one of the fundamental things necessary if you want to promote communal harmony in the province. If you have difference of opinion—and it is quite possible and it always happens that you may have an honest difference of opinion on various questions affecting us,—let us consider, discuss and even agitate for it in a legitimate way. Supposing, a measure that has been introduced is not approved by a particular community or a party or a group, there can be no objection and no one can take any exception to legtimate criticisms, to legitimate constitutional agitation; but when that agitation goes beyond the legitimate limit and when Direct Action is threatened—when bitterness is introduced,—then I feel that it goes beyond the constitutional sphere of politics. Similarly, when newspapers criticise or advocate a point of view with regard to a particular question, if they could use moderate language instead of invectives, and give facts and reasons, it would have a far-reaching effect and at the same time it could not alienate the feeling of any community. I do not think it is fair to ask any one who belongs to any particular party or community that he should give up advocating what that party or community has decided as their policy or programme. If communal harmony is to be brought about by one party or one community giving up what is their considered policy or programme, then it means not communal harmony, but practically surrendering itself to another. But I feel, and feel very strongly, that we can hold to the policy and

programme of our respective Parties and we can advocate what we consider is best without creating enmity amongst ourselves.

Sir, in Bengal we have got the Constitution working and there is the Legislature where all questions can be discussed and to a certain extent decisions obtained. Instead of fighting and creating disturbances, attempts should be made to bring those issues up before the Legislature and get some definite decision thereon. When questions come up before the Legislature, it always happens that an attempt is made to bring about a compromise and to find a *via media* solution. Unless we are prepared to give and take, to accommodate one another, it is impossible to carry on in a province like Bengal where there are so many conflicting interests and where the two communities are practically equal in numerical strength. There are bound to be questions on which there will be differences of opinion. But responsible men should be able to find a *via media* for solution of all these questions. We should not insist on our pound of flesh but try to find a solution, so that both sides can feel that they have not been made to surrender altogether. The questions should be discussed dispassionately and as far as possible we should try our best to amicably settle all issues.

Lastly, I would like to point out that while we are fighting amongst ourselves over communal issues, Bengal may be threatened with a serious danger arising out of the war situation. No one can say when we may be faced with the grim realities of the war. So far we have not been directly affected, but it is possible that in the near future the cities of Bengal may be bombed or in other ways attacked. I feel that at a time like this, when Bengal may be faced with the imminent danger of war, it is the duty of all to create a situation so that there may be no disturbance of peace and harmony in the province. The need for communal harmony, unity and solidarity is supreme now so that in the face of common danger and common affliction we can stand together and face the danger. I do not want to be misunderstood that I am merely creating a bogey. I am sure none of us who read the papers and see what is the trend of events can be oblivious of the fact t what I have stated is within the bounds not only of possibility ut of great probability. Therefore, it is our duty at a time like this to concentrate not only on maintaining peace in the province, but to unify the people of the province so that when we are confronted with the real danger, we may be in a position to meet it. If a city like Calcutta, God forbid, is bombed, then the Hindus and Muslims, Christians and Parsees and all other communities will have to combine and meet the situation. Then, there will be no question of Hindus and Muslims nor any caste or creed. We will all be afflicted by the common calamity. I feel that at a time like this it is so important, so necessary for having amongst ourselves unity, goodwill, trust and confidence. I would appeal to the leaders of public opinion to bear in

mind what I have stated and bring about peace and communal harmony in this province.

Mr. NUR AHMED: Sir, I express my gratitude to the honourable members of this House for supporting this resolution. With your permission, Sir, I wish to say a few words in reply to certain remarks made by my honourable friend Khan Bahadur Muhammad Jan. I am very sorry that I have to controvert some of his statements; but the statements made by him are so sweeping and so serious that I have thought it my duty to say a few words in reply to him. It is a matter of regret that the calm atmosphere, the tranquillity and harmony in which a resolution of this nature should have been discussed has been disturbed by certain statements of his. He has, while supporting the resolution, made very peculiar statements. In one statement he has said that Mr. Jinnah failed in 1940 with his Pakisthan move and obstructed the granting of Independence to India. In another statement he has said that there are two nations in India of which the Congress representing the Hindus is making sacrifices but the other nation,—the Muslims,—are obstructing and openly declaring that India is not fit for democracy.

I think that every person belonging to the great Muslim community must emphatically protest against these two statements of the Khan Bahadur. These are libellous charges made against the only accredited Leader of the Muslim community. This is indeed a serious charge to bring against the Muslims whose very religion teaches them to sacrifice life for Independence and Democracy. It cannot be denied that the Muslims by their traditions and culture and religion are bound to stand by democracy and that they are one of the great democratic nations in the world. I really wonder and indeed it came to me as a great surprise that a Muslim of the Khan Bahadur's standing should have made such a statement in this House. Now, Sir, with all respect to him, I may say that he has taken his cue from some newspapers with perverted views and he has simply repeated the same to the House. Sir, for his information I would like to quote the opinion of some thinkers, who are not Muslims: one is a Hindu and the other is a European. One of these gentlemen says that the true genesis of the Pakisthan idea may not be the real cause of this conflict. And the Hindu historian discussing the Hindu-Moslem problem in India has remarked that "violent antipathy between Hindus on one side and Muhammadans on the other is a patent phenomenon and almost threatens to push other issues into the background for some time to come." An acute foreign observer has pointed out that basically the roots of the conflict are to be found in the fact that the present nationalist movement is as truly a re-assertion of Hindu culture against Islamic culture as it is against European culture. The major nationalist party according to them has frequently been the embodiment of Hindu political

ideology and as such its efforts to overcome the natural repugnance of Muhammadans to it have always been fore-doomed. As for instance, the non-violent creed has found easy acceptance among the Hindus but not so among the Muslims. There is an element of truth in this line of argument. There is a strong under-current of cultural conflict in the Hindu-Moslem problem. There was some impact of Islam on Hindu civilization, but it dwindled away. In the course of the 800 years, during which the Moslems ruled India the Hindu religion, art and culture were hardly affected and with the collapse of the Central Islamic power in India at the beginning of the eighteenth century, Hinduism re-asserted itself. Since then Islamic India may be said to be fighting on the defensive. Islamic culture is undeniably threatened to-day with submergence over the greater part of India by the unseen tides of Hinduism that "moving seems asleep, too full for sound and foam". Hinduism may be willing to give assurances in regard to cultural and religious interests of the minorities. But formal assurances are meaningless in a sphere where forces generally work subtly and below the surface and where invisible battles are lost and won.

It is fear of annihilation that impelled the Moslems of India to toy with such romantic dream as Pakistan or Pan-Islamism. This is the opinion of a Great Hindu thinker. It is true that in any case no permanent peace is in sight for India until the rival cultures have found a means of living together. The winning of Swaraj will not mean the end of all strife. This is the opinion of a very learned Hindu who has tried to gauge the real cause of Hindu-Moslem conflict in India. According to Dr. Percival Spear, democracy in the European sense of the word is unsuitable to India and he thinks that something new and suitable to Indian condition should be tried. Political authority must be related to fundamental belief. Sir, the learned Khan Bahadur has misunderstood everything. He has forgotten that the goal of the Muslim League is Independence and that the Democracy which Mr. Jinnah and other Muslim leaders do not want is really unsuitable for India, namely, the European conception of Democracy. He has also forgotten that Mr. Jinnah stands for a Democracy under which people, whether in minority or in majority, can freely enjoy their rights and privileges and develop their own culture and civilisation unfettered by any outside influence. In this connection, Sir, with your permission, I would quote an extract from the convocation address of Sir Maurice Gwyer at the Benares Hindu University. He said—"India to-day was at the cross-roads of the political future with the forces for good and evil evenly balanced. The time had come for her to solve the problem not only of her relation with Great Britain but also of the problem of her domestic difference. The common agreement among those who composed it was the prerequisite of the existence of a self-contained self-governing State. The agreement for which I plead is a union of heat, an agreement free

from illusion, based upon realities and upon mental confidence and trust. On this foundation and upon no other can great States be built and on this foundation alone real harmony and unity between communities can be established."

Sir, from the unbiassed opinion of a great man which I had reproduced just a little while ago, will appear what is the meaning of "Pakistan" or why the Muslims want Pakistan and why there is this Hindu-Muslim disunity. Sir, I would have been the last person to go into this very controversial matter but I was compelled to allude to it in view of the statement made by my honourable friend.

In reply to the query as to what is my suggestion about the proposed scheme for communal harmony, in my speech while moving this resolution I only gave out the broad lines. I said that the matter is one of heart, as this disunity has been based on communal hatred which had been cultivated, which has been spread for years together through the Press, through literature, through speeches and other ways. Now any scheme to be framed should consist of propaganda, through literature and articles in newspapers on communal harmony, by prize competition among the boys and students in schools and colleges, *i.e.*, by essays on communal harmony and all other possible ways should be undertaken to remove that hatred which has been cultivated so long.

With these few words, Sir, I recommend my resolution for the acceptance of the House.

Mr. PRESIDENT: The question before the House is: that this Council is of opinion that the Government of Bengal be requested to draw up and put in operation a suitable scheme for the promotion of communal harmony in the province of Bengal as early as possible.

(The resolution was agreed to.)

Mr. PRESIDENT: Mr. Lalit Chandra Das.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, in view of the fact that the resolution of my friend Mr. Nur Ahmed has been accepted, which has enjoined upon the Government the duty of drawing up and putting into operation a suitable scheme for the promotion of communal harmony in the province of Bengal as early as possible, I do not think, Sir, I should move my resolution.

Mr. PRESIDENT: Mr. Nur Ahmed, do you like to move the next resolution which stands in your name?

Mr. NUR AHMED: Sir, I beg to move that this Council is of opinion that a substantial part of the income to be accrued yearly from the proceeds of the Bengal Sales Tax be annually ear-marked for the introduction and spread of free and compulsory primary education in Bengal

Sir, the question of the spread of literacy among the masses is a very simple but a very important problem for Bengal. Sir, this problem has baffled all attempts at solution in the past. But certainly our present Ministry deserves commendation for its attempts at introducing free primary education in many of the districts. I really thank the Ministry, and especially the Hon'ble the Chief Minister, for the bold stand he has taken in introducing free primary education in many of the districts of Bengal in the teeth of opposition against the imposition of the education cess.

It is only due to want of money that this scheme could not be put into full operation. In the course of the statement made by the Hon'ble Chief Minister while supporting the motion for reference of the Bengal Finance Sales Tax Bill to a Select Committee elsewhere, he said, "As regards money, I require at least one crore of rupees more than what has been budgeted in order to meet the requirements of primary education." I also find from the statement of the Hon'ble the Finance Minister while moving the Finance Bill that "I should like to assure the honourable members that no one will seriously deny that the resources at the disposal of Government of this province are insuffiicent. Our *per capita* expenditure on education, public health and agriculture is lower than that of any other major province in India. Our *per capita* expenditure on education is one-third of that of Bombay, and one-half of that of the Punjab and of Madras and when this scheme is put into operation in Bengal, it will entail an additional expenditure of 1 crore 37 lakhs of rupees on the provincial exchequer." From the statements which were made at the time when this Bill was on the anvil of the Bengal Legislative Assembly, it will appear as clear as daylight that Government already committed themselves to set apart a part of the proceeds of Finance Sales Tax for primary education. I have in this resolution requested the Government to ear-mark some portion of the proceeds of that taxation.

Sir, after the introduction of the Provincial Autonomy there was a windfall. Government got a sum of more than one crore of rupees from the proceeds of the jute-tax from the Central Government. It was expected that the whole of this amount would be ear-marked for the spread of primary education in Bengal. But actually we find that only a portion, a moiety of the proceeds of that wind-fall, namely, Rs. 14 or Rs. 15 lakhs—has been diverted to primary education and the major part of it has been diverted to other purposes. From every press and platform there was this cry for more expenditure on primary education. Sir, I need not take much of the valuable time of the Council to dwell on the necessity and importance of primary education. I think every member of this House is fully alive to the importance and utility of it. So, I would only appeal to the House to consider this matter. If this tax which is expected to come up to more than a crore of rupees, is partly employed for spreading primary education by the formation

of district school boards, then we shall be grateful. If the whole tax is utilised for other perposes, then it will be merely frittering away the money and we shall be very much disappointed.

With these few words, I commend my resolution to the acceptance of the House.

Mr. PRESIDENT: Resolution moved: that this Council is of opinion that a substantial part of the income to be accrued yearly from the proceeds of the Bengal Sales Tax be annually ear-marked for the introduction and spread of free and compulsory primary education in Bengal.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I do not think that this resolution was at all necessary after what I had considered to be the very clear manner in which I had explained to this House the objects upon which it was intended to spend the proceeds of the Sales Tax. I pointed out to this House on the last occasion that we were running an ever-growing deficit, because we were undertaking an ever-increasing expenditure on nation-building departments—not merely on primary education, not merely on public health or on education of other kinds, but practically on all the various different nation-building activities of Government. Before we ear-mark or definitely and statutorily set apart any sum for any specific purpose we must be in a position to meet the commitments which we have already undertaken; and as long as we are running a deficit it is impossible for us, out of the sum that we may raise, to set apart various amounts for various purposes. I gave an assurance on that occasion that although we were not prepared to ear-mark any portion of the Sales Tax for any specific purpose such as primary education, yet primary education would not suffer for lack of support from Government. We are imposing the education cess in the various districts of Bengal and in order that primary education may be carried on, the proceeds of the cess will have to be supplemented by the general revenues. We propose to supplement the proceeds of that cess from the general revenues as and where necssary and hence I do not see any object in ear-marking any portion of the proceeds of the Sales Tax for the purpose of primary education. If we do so, then I am afraid that other nation-building departments may suffer. I may also draw the attention of the House to the possibility of extreme cases arising when the provincial revenues may be required for more urgent purposes. For instance, we may have a grave famine throughout Bengal and we may have to suspend all the general activities of Government in order to keep body and soul together and also to keep the nation alive until better times. Each year, therefore, presents its own problems, and so long as primary education does not suffer for lack of funds from the general revenues, I suggest that there is no reason for a resolution like this. In so far as this motion places before

Government the necessity and the desirability of introducing primary education as early as possible throughout Bengal, I welcome it. But I do deprecate the attempt to ear-mark any portion of the Bengal Sales Tax for it.

May I, Sir, before I close, just refer to one point which I have heard referred to from time to time by honourable members of this House and elsewhere, namely, that every one expected that the jute duty which was being allocated to us should have been ear-marked for primary education. I do not know, Sir, how honourable members have ever arrived at this notion and who are the persons who expected it. The amount allocated to the Government of Bengal by the Meston Award was much less than its ordinary requirements—less than its immediate requirements. As a matter of fact, with the amount at our disposal it was impossible for this Government to function as a progressive Government. Consequently for years we were running at a deficit, and in order to make up this deficit a certain portion of the jute duty was allocated under the Niemeyer Award and it has been absorbed in the general revenues for the purpose of carrying on the administration and meeting the existing commitments. It is only when we get a surplus that we can ear-mark any sum for a specific purpose. We regret very much indeed that we did not have sufficient surpluses to ear-mark the jute duty or to allocate it for the purpose of primary education. I regret this just as much as the honourable member himself. Nevertheless, the question of ear-marking can only come in after the ordinary general expenses of the Government are met. There was a deficit and the jute duty just filled up the gap; consequently it is impossible to set apart any portion of it for the purpose of primary education.

I hope the honourable member will be good enough to withdraw the resolution in view of the assurance that I have given that the proceeds of the Bengal Sales Tax will be spent on primary education and the nation-building departments.

Mr. NUR AHMED: Sir, in view of the assurance given by the Hon'ble Finance Minister, I beg leave of the House to withdraw my resolution.

Mr. PRESIDENT: Is it the pleasure of the House to grant leave to the honourable member to withdraw his resolution?

(No objection.)

The resolution of Mr. Nur Ahmed was then, by leave of the House, withdrawn.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to move that this Council is of opinion that Government should start

small State-financed factories under Government supervision and control and should employ all young men trained by the Department of Industries in running such factories—the factories being eventually sold off to the employees when they become profitable concerns, on raising share capital from the employees by deducting suitable monthly contribution from their pay.

Sir, my object in moving this resolution is to draw the pointed attention of the Government to the necessity of industrialising the country. Our agriculture has already become over-crowded and we cannot possibly solve the bread problem unless we divert a portion of our population towards the industrial development of the province. It does not brook a moment's delay and our province should be industrialised at a very early date. We know that our Industries Department are training some of our men in various small industries, such as leather-making, cutlery and so on. But we often find that these young men after receiving their training go after job-hunting. Very few of them go to factories for work and still fewer can start factories of their own, because they have neither the capacity nor money to start factories or workshops themselves. The result is that they get themselves absorbed in various offices as paid servants. So, practically the money we are spending on training these young men in industries goes for nothing. Sir, if we really want to give an incentive to industries, we must do something more definite and more substantial. So, my resolution is that the Government should not only be satisfied by training up some young men in various industries, but they should also give them training in business and in starting factories and in managing them as business concerns and as profitable concerns. Unless they do so, they will never take to industries and our country will not make any progress towards industrialisation. Mere training is nothing, Sir. So to begin with, to give a modest start I have proposed that Government should start a few small factories with these young men who are trained by their departments and these factories should be managed under Government supervision and control and should be financed by Government and as soon as those factories become business concerns, profitable business concerns, these will be sold off to these very employees, these trained young men, on raising share capital from them by deducting suitable monthly contribution from their pay. In this way, we will instil in them a spirit, an enterprising spirit of industrialism. We must do something, Sir, in that direction, as our people, we know, are lacking in enterprising spirit. They think that it is very risky to start an industry and many of them have not got also the means to start. So, both these objects will be met if the Government takes up this resolution in right earnest and sees that it materializes into action.

With these words, Sir, I recommend that my resolution may be accepted by the Government.

Mr. PRESIDENT: Resolution moved: that this Council is of opinion that Government should start small State-financed factories under Government supervision and control and should employ all young men trained by the Department of Industries in running such factories —the factories being eventually sold off to the employees when they become profitable concerns, on raising share capital from the employees by deducting suitable monthly contribution from their pay.

The Hon'ble Mr. TAMIZUDDIN KHAN: Mr. President, Sir, I have every sympathy with the object underlying this resolution. I may tell the House, Sir, that it is not the present policy of this Government to start business concerns of its own. It has never done so hitherto. Its idea hitherto has been that it should not enter into competition with private enterprise. I do not say, Sir, that that should remain the policy of the Government for all time to come. But that has been the policy hitherto.

Now, the resolution moved by my honourable friend seeks to recommend that Government should establish business concerns of its own and employ the men who are being given industrial training in those concerns and ultimately when these concerns prove to be profitable, they should be sold away to the trained employees working in those concerns. Sir, it cannot be said offhand how a scheme like this will work. But before I say anything about that, I should like to point out to the House that it is the general attitude of our young men that stands in the way of starting business concerns of their own even after they get some industrial training in some Government factory or in some Government institute. They always seek employment. When they come for training, many of them declare that after receiving training they will start business; but as soon as training is finished, most of them are found to seek some salaried jobs. That is their mentality. Of course, many of them are driven to this course under the stress of circumstances. I am not blaming them for that, but I am only stating the fact that this is their present attitude. This largely stands in the way of the industrial development of the province. I agree with the mover that it is disappointing on the part of the Government to see that these young men do not take to industrial careers and business careers after they receive training under Government.

Now, what is the remedy? My honourable friend has suggested a remedy. Government will take this into consideration, but I would like to point out that in this province an Industrial Survey Committee has been functioning for some time. That Committee has been entrusted with the duty of surveying the entire field of industries in the province, not only the present industrial activities but also the future possible development of industries in the province. Government were naturally inclined to wait till they get the report of the Industrial Survey Committee before finally deciding whether Government should

revise their own policy of not entering into competition with private business concerns which they have been following hitherto and go in for a new policy. In coming to a decision on that point Government would like very much to know what the advice of the Industrial Survey Committee is. But I do not know actually when the Committee will give a report on this specific question unless they are requested to consider this question separately and specifically and give their opinion as early as possible. As a result of this resolution, what I intend to do is this that I shall refer this specific question to the Industrial Survey Committee. I think my honourable friend will agree with me that the advice of an expert body like the Survey Committee will be very helpful. Before Government change their policy and before Government enter into a new field which they have hitherto shunned carefully, I think it will be advisable to get the recommendation of that expert Committee. As I said a moment ago, I shall refer this matter to the Committee for consideration and report as early as possible and on receipt of their report it will be for the Government to consider and decide what the course of action they should follow.

I think after this assurance my friend would find it possible to withdraw his resolution.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, after what has fallen from the Hon'ble Minister, I ask the leave of the House to withdraw my resolution.

Mr. PRESIDENT: Is it the pleasure of the House to permit Khan Bahadur Saiyed Muazzamuddin Hosain to withdraw his resolution?

(The resolution was then, by leave of the House, withdrawn.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that this Council is of opinion that the members of the Legislature be supplied with copies of the proceedings of the Floud Commission and of the Report of the Special Officer without delay.

Sir, I remember that I also mentioned something else in my resolution—that the evidence given before the Floud Commission should also be supplied to the members of the Legislature. Sir, this notice was given sometime ago and under the following circumstances:—A report appeared in the newspapers that Government was not going to submit the Floud Commission's Report for discussion by the Legislature. That report in the papers led me to send in this notice. I also gave notice of another resolution, namely, that the Floud Commission's Report should be allowed to be discussed by the Houses of this Legislature. As, perhaps, the Government changed its opinion or probably the newspaper report was incorrect, that resolution has not been printed. After the notice was given, Government circulated copies of some

portion of the evidence. Government has also given us a copy of the report of the Special Officer, but no copy of the proceedings before the Floud Commission has been given to the members. With regard to the evidence before the Floud Commission, although copies thereof have been supplied to us, I have come to learn that copies of all the evidence have not been supplied; only copies of some selected portions of the evidence have been given to us, although this fact has nowhere been disclosed by the Government. I have very good authority for making this statement and the Hon'ble Revenue Minister may be pleased to inform the House if I am correct. I shall be glad, however, to know that my information is wrong. But if my information is not wrong, there is no reason why some portion only of the evidence should be circulated to us, and not all. Then, with regard to the report of the Special Officer, although it has been supplied, it has been supplied very late. Government waited for about a year to make up its mind just to print it and circulate it amongst the members, and again we find that the report is marked "confidential". But I find that there have been newspaper comments on the contents of this report. We do not know whether we can publicly use this report and make comments on it within and without the House. If the report of the Special Officer on the recommendations of the Floud Commission to be treated as confidential, then it imposes a considerable amount of handicap on the members. It may be that at one time it was thought necessary to keep this report confidential but now it is no longer possible to do so. But at any rate, the anomaly should be cleared up. Then, with regard to another item which is a part of this resolution, namely, the supply of copies of the proceedings of the Commission, what I mean is that the day-to-day proceedings of the Commission must have been kept by them as to what was done from day to day,—what discussions were held,—though they may not have been kept verbatim, or in an elaborate fashion, still, as a matter of fact, one would expect that some sort of day-to-day proceedings of the Commission must have been kept by them. I know that while the Joint Select Committee on the Constitutional Reforms, which led to the passing of the Government of India Act, 1935, was sitting, proceedings were kept; they have been printed and are now available in the market. Elaborate proceedings of the Committee have been preserved and the most important fact is this: that, first of all, a draft report was circulated by the Chairman (who is our Viceroy at the present moment). Amendments were then proposed; they were debated, they were voted upon and the result of the voting has appeared in the shape of the final Joint Select Committee's Report. Now, Sir, these papers are extremely important and it is very necessary for members who think it desirable to study them and for that purpose to get hold of them. In fact, it is necessary for them to know every bit of evidence, although it is the fashion, I know, to ignore all evidence and decide this question without them.

There is a tendency not to study the evidence. There is a tendency in certain quarters to ridicule the idea of studying most important papers. Still there are a few people here, in this House and outside, who are ready to give the necessary amount of attention and take the necessary pains in order to form an independent and correct judgment on this important subject. In these circumstances, I submit before the House that copies of the entire evidence and of the proceedings should be given to the members. With regard to the report of the Special Officer, the confidential character of it has put a ban on its free use which I think is wrong. With these few remarks, I commend my resolution for the acceptance of the House.

Mr. PRESIDENT: Resolution moved: that this Council is of opinion that the members of the Legislature be supplied with copies of the proceedings of the Floud Commission and of the report of the Special Officer without delay.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I am afraid there has been some amount of misunderstanding about the report of the Special Officer, the proceedings and the report of the Floud Commission and my honourable friend the mover of the resolution is working under a misapprehension. In fact, we have already supplied the honourable members with 4 or 5 volumes of evidence and two quite bulky volumes of the report of the Commission and they should provide sufficient intellectual food even for an ardent student of politics like the mover of the resolution. I am sure it will take him a long time before he can digest them fully.

Khan Bahadur NAZIRUDDIN AHMAD: That is why they should have been supplied earlier.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: With regard to proceedings, I may state that no regular proceedings meant for publication were kept and there was an understanding amongst the members, the distinguished Chairman of the Commission and Government that only the report should be published and not the proceedings; and, therefore, the proceedings were not kept in a form in which they could be printed and published. Government, in fact, have not printed the proceedings, so they are not available. As regards the Special Officer's report, the word "confidential" is no longer of any significance. Originally, this report was meant for the Government only. Governmeant wanted to study the matter from the different aspects from which it was examined by the Special Officer. But since then, Government have released the Special Officer's report and it has been circulated to the honourable members and published in the newspapers. So, I need not labour the point that it is no longer confidential. I fully appreciate

the anxiety of the honourable mover to have access to the proceedings in detail. But the proceedings have not been kept in a form in which they can be published or printed, and therefore they cannot be made available to the honourable mover.

Khan Bahadur NAZIRUDDIN AHMAD: May I ask a question to the Hon'ble Minister? Is any member entitled on private arrangement to go through the proceedings? Will facilities be given him for such examination?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am afraid, Sir, it is not possible; because, as I have said, they have not been kept in a form in which they can be placed before the honourable member.

Khan Bahadur NAZIRUDDIN AHMAD: Another question, Sir. Is it for confidential reason or is it for some other reason that we cannot have access to the proceedings?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is not exactly due to the confidential nature of the proceedings. The fact is that members of the Commission discussed evidence, came to their findings and went on writing the report simultaneously in order to expedite submission of their report. As the House is aware, the Commission was working against time and it was requested to submit its report as early as possible. So, naturally the Commission did not keep a full record of the proceedings and did not wait for drawing up a draft report first and then drawing up the final report. The procedure was simultaneous.

As regards the evidence, some of the evidence was given by the witnesses on the distinct understanding that the whole of the evidence would not be published. So it will be a breach of faith if the evidence in full is now made available to the honourable members or to the public. In fact, on that understanding they agreed to give their evidence; otherwise they would have refused to give evidence. So, we are helpless in the matter. As a matter of fact, the Commission, which is now defunct gave that assurance; so it will be a breach of faith on our part now. We have done all that could be done, Sir, to satisfy the curiosity and to help the education of my honourable friend over this matter and I am sure the large number of volumes containing details of revenue problems and the mass of facts that we have supplied to him will satisfy him for the time being.

With these few words, Sir, I have to request the honourable member to withdraw his resolution.

Rai KESHAB CHANDRA BANERJEE Bahadur: On a point of information, Sir. Were the witnesses referred to by the Hon'ble Minister official witnesses or non-official who did not like their evidence to be published?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I could not tell the House offhand. But there were official and non-official witnesses and many such witnesses gave evidence only on that understanding and on that assurance.

Khan Bahadur NAZIRUDDIN AHMAD: May I ask the Hon'ble Minister as to why this fact was not mentioned to the members before and why it was not explained that copies of some witnesses are not given.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It was not considered necessary because the evidence of many witnesses was made available to the honourable members. As regards the evidence that was meant for the members of the Commission only, Government thought that it would be going out of their way to make any reference to them.

Khan Bahadur NAZIRUDDIN AHMAD: Is it within the knowledge of the Hon'ble Minister that some public men and one or two members of the Commission itself are making reference to this undisclosed evidence in the press? Has it come to his notice?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: If they did so, I do not know how to characterise that action of the members of the Commission, but I hope there is no foundation for that allegation.

Mr. PRESIDENT: In this connection, the Chair desires to draw the attention of the honourable members to a certain extract relevant to the matter raised by the Khan Bahadur. It occurs at page 623 of May's Parliamentary Practice:—

"However ample the power of each House to enforce the production of papers may be, sufficient cause must be shown for the exercise of that power and if considerations of public policy can be urged against a motion for papers, it is either withdrawn or otherwise dealt with according to the judgment of the House".

The House has no doubt certain rights for asking for production of papers; but if Government insist on withholding them on considerations of public interest, generally the House agrees with the contention of the Government.

Khan Bahadur NAZIRUDDIN AHMAD: In view of what has fallen from you, Sir, and from the lips of the Hon'ble Revenue Minister, may I ask for the leave of the House to withdraw the resolution?

Mr. PRESIDENT: Is it the pleasure of the House to permit Khan Bahadur Naziruddin Ahmad to withdraw his resolution?

(There was no objection.)

(The motion was, by leave of the House, withdrawn.)

Mr. NUR AHMED: Sir, I beg to move that this Council is of opinion that the urgent necessity of taking such early steps as Government deem proper with a view to bring about an uniform and all-round improvement in the quality and nature of education imparted at present in various schools and colleges, especially in the following direction as far as practicable be urged upon the Government of Bengal:—

(*a*) introduction of suitable vocational and industrial training;

(*b*) introduction of appropriate physical training in upper classes of primary schools, middle and secondary and other high schools with the purpose of making the pupils military-minded;

(*c*) introduction of mid-day tiffin in schools;

(*d*) increase in the number of scholarships for boys and girls of primary schools and introduction of such changes in the syllabus and curriculum as are deemed necessary to make the education really beneficial and useful in all possible ways for the recipients of the same.

Sir, this resolution is a very important one. I do not think I should dwell at length on every aspect of this very important question. In the first part of my resolution I have emphasised the fact that the education which is being imparted in the schools and colleges of Bengal has been condemned more than once by educational experts and it has produced a host of unemployed young men who find themselves ill-equipped for the bitter struggle of life. It is now an admitted fact that an all-round improvement is to be effected in education. In this resolution, I have laid down that suitable vocational and industrial training centres should be opened. We find from the systems of education in other countries that all the boys who pass their high school examinations do not go in for higher education. But in Bengal we find that every boy who comes out successful from any high school goes in for university training, whether he is intellectually fit for it or not. In Turkey, Japan and other free countries, we find that some boys are selected for secondary education, some for military training, some for higher education, some for training in factories, and some for

industrial training. But in India, specially in Bengal, we find that most of the boys who pass in the third division or in second division, go in for higher education and the result of this process has been very disastrous. It means a huge waste of money for their poor parents. Some of these boys come out successful anyhow after huge expenditure but they do not find any avenue for employment. They naturally add to the list of the unemployed.

So, there is a great necessity for the introduction of vocational and industrial training. I am not oblivious of the fact that some industrial centres have been started but their number is very small and not adequate. In those schools no encouragement is given in the form of incentives. After they come out successful from those schools, nobody cares for them. So, my humble submission is that some sort of training should be given to them so that when they come out of the schools they may earn their own livelihood.

Then, another of my submission is this: the introduction of appropriate physical training in upper classes of primary schools, middle and secondary and other high schools with the purpose of making the pupils military-minded. Sir, this is war-time and everybody is now imbued with the martial spirit. So, our young students should at the beginning of their lives, in their teens, be given some sort of physical training, which will render it easy for them to take up military training later on. This need for military training and physical training has been emphasised within the House and outside the House and also from every public platform and by the public but no attempt has yet been made to give proper training to the boys while they are at school. I know that a department has been started, centres have been opened to give physical training to boys but although we find that there are district organisations and committees and sub-committees and branch committees, no real work is being done. Only some money is being wasted and the real problem is not being touched. So I recommend that training should be given in schools and colleges so that the students can come out properly equipped and military-minded to some extent. I have emphasised the introduction of the mid-day tiffin in schools. I know that attempts are being made now to introduce the system of mid-day tiffin in some schools, but it is only in a very few schools that this experiment has been made. Some statistics which are published prove that grants for this purpose are inadequate, and that is why we find that the health of our boys is deteriorating year after year. The reason suggested for this poor health is also that they have to remain too long in the school and without proper nourishment. So it is necessary that in order that they may become sturdy citizens of Bengal, some sort of tiffin should be arranged for them during the school hours. My suggestion, therefore, is that the system of mid-day tiffin should be introduced in the aided schools making it a condition precedent to the recognition of such aided schools. We know that in

Government schools this system has been introduced and it has proved a great success.

Next, I have emphasised an increase in the number of scholarships for boys and girls in primary schools and introduction of such changes in the syllabus and curriculum as are deemed necessary as early as possible. As regards the first portion, namely, the number of scholarships in primary schools, I find that their number is hopelessly inadequate and meagre.

Sir, it will be a matter of great surprise to learn that only 170 scholarships are awarded for more than 2 lakhs of girls who appear annually at the final examination. The number of scholarships granted for the higher education—for college education and other technical education has been increased, but the number of scholarships for girls and boys have not been increased. Although there was recommendation that the number of scholarships should be increased to 500, nothing has been done. Then, Sir, the number of scholarships for primary school boys also is very small. Sir, the number of boys and girls reading in primary schools exceeds 40 lakhs, but the number of scholarships, as I have said, granted to the girls is 170 and 300 and odd stipends are granted to the boys. Can you imagine how inadequate it is comparing the number of boys and girls reading in the primary schools.

What is more important is that there should be such changes in the syllabus or curriculum as are deemed necessary to make the education really beneficial and useful in all possible ways to the recipients of the same. I know, Sir, that Government appointed special committees from time to time and have taken instructions from them in the matter. But I think no serious attempt has been made to take up this important matter and the result has been a huge waste of money and energy,—a huge waste of good money of the people. Sir, this is a resolution which, I hope, will commend itself to all sections of the House. I do not think I should take more time of the House. With these words, I appeal to the House to accept this important resolution.

Mr. PRESIDENT: Resolution moved that: this Council is of opinion that the urgent necessity of taking such early steps as Government deem proper with a view to bring about an uniform and all-round improvement in the quality and nature of education imparted at present in various schools and colleges, especially in the following direction as far as practicable be urged upon the Government of Bengal:—

(*a*) introduction of suitable vocational and industrial training;

(*b*) introduction of appropriate physical training in upper classes of primary schools, middle and secondary and other high schools with the purpose of making the pupils military-minded;

(*c*) introduction of mid-day tiffin in schools;

(*d*) increase in the number of scholarships for boys and girls of primary schools and introduction of such changes in the syllabus and curriculum as are deemed necessary to make the education really beneficial and useful in all possible ways for the recipients of the same.

Alhadj Khan Bahadur SHAIKH MUHAMMAD JAN: Mr. President, I rise to support the resolution moved by my friend Mr. Nur Ahmed and in doing so this time I will not make any remarks which may offend him. With these few words, I support his resolution.

Mr. PRESIDENT: Order, order. The House stands adjourned till 2-15 p.m. on Monday next.

Adjournment.

The Council then adjourned till 2-15 p.m. on Monday, the 4th August, 1941.

Members absent.

The following members were absent from the meeting held on the 1st August, 1941:—

(1) Mr. Kader Baksh.
(2) Khan Sahib Abdul Hamid Chowdhury.
(3) Khan Bahadur Rezzaqul Haider Chowdhury.
(4) Mr. Kamini Kumar Dutta.
(5) Khan Bahadur Alhadj Khwaja Muhammad Esmail.
(6) Mr. Kanai Lal Goswami.
(7) Mr. Mohamed Hossain.
(8) Khan Bahadur Syed Muhammad Ghaziul Huq.
(9) Khan Bahadur Muhammad Asaf Khan.
(10) Mr. W. B. G. Laidlaw.
(11) Mr. J. McFarlane.
(12) Mr. Naresh Nath Mookerjee.
(13) Dr. Radha Kumud Mookerji.
(14) Mr. Ranajit Pal Chowdhury.
(15) Dr. Kumud Sankar Ray.
(16) Mr. Nagendra Narayan Ray.
(17) Mr. J. B. Ross.
(18) Mr. B. K. Roy Chowdhury.
(19) Mr. W. F. Scott-Kerr.

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THE BENGAL LEGISLATIVE COUNCIL DEBATES

Second Session—No. 4.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 4th August, 1941, at 2-15 p.m., being the fourth day of the Second Session, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Cost of Special Session of the Legislature during December, 1940.

100. Rai BROJENDRA MOHAN MAITRA Bahadur (on behalf of Mr. Ranajit Pal Chowdhury): Will the Hon'ble Minister in charge of the Home Department be pleased to state what expenditure was incurred for—

(*a*) the Special Session of the Legislative Council consisting of 3 days in December, 1940;

(*b*) the Special Session of the Legislative Assembly consisting of 4 days during 1940; and

(*c*) the travelling and daily allowances of the members?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Rs. 4,619.

(*b*) *Rs.32,668. The Assembly sat for 6 days and not 4.

		Rs.	a.
(*c*)	†Assembly	29,872	0
	Council	4,494	10
	Total	34,366	10

*A few members have not yet submitted their bills.

†Excluding the charges for the electric current and gas and cost of operating the cooling plant during the session.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state what was the special reason for having called such a short session like this?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think there were some important Bills that had to go through the Legislature.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state whether the Bills were of such a nature that their postponement till the next session in January would not have been possible?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir.

Release of satyagrahi prisoners.

11. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) how many *satyagrahis* in Bengal are now in jail for giving notice to the local authorities of their intention to offer *satyagraha* but for no overt acts; and

(*b*) whether it is the intention of the Government to release all *satyagrahis* who being arrested are now being detained or put to jail after trial, whose sole offence was merely giving notice of their intention to offer *satyagraha;* if the answer be in the negative, whether the Hon'ble Minister will be pleased to give reasons therefor?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) On 30th June, 1941, none.

(*b*) Does not arise.

Rural water-supply in Midnapore.

13. Rai Bahadur MANMATHA NATH BOSE: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) the amount of money allotted to Midnapore for rural water-supply;

(*b*) how the amount is proposed to be spent;

(*c*) if there is any proposal for sinking tube-wells; if so, the number of tube-wells proposed to be offered to the different subdivisions of the district; and

(*d*) if it is a fact that the local M.L.A.'s and M.L.C.'s are not associated with the water-supply committees in the district, despite the instructions of the Government to the contrary?

INISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) The allotment to the Commissioners of Divisions in regard to the increased grant for water-supply amounting to Rs. 10,00,000 for the Province has not yet been made. It is expected to be made shortly as soon as certain outstanding points relating to the selection of sources of water-supply and other allied matters are settled.

(*b*) Does not arise.

(*c*) Under the existing orders of Government, the nature of the sources of water-supply as well as the allocation of these sources in the various subdivisions are left to the water-supply committee and this must be known to the honourable member.

(*d*) No. Government have given definite orders that the local M.L.A.'s and M.L.C.'s should be associated in all the committees, namely, the Thana Committees, the Subdivisional Committees and the District Committees.

Rai Bahadur MANMATHA NATH BOSE: Arising out of (*d*), is the Hon'ble Minister aware that in spite of distinct orders and instructions to the contrary, these M.L.A.'s and M.L.C.'s were not taken in these committees?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: If the honourable member let me know the facts, I shall enquire and find out the reasons.

Rural Public Health Organisation Scheme.

14. Mr. BIRENDRA KISHORE ROY CHOWDHURY: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) if it is a fact that a new scheme of Rural Public Health Organisation has been sanctioned by the Government of Bengal;

(*b*) if it is a fact that this scheme is the same as was made by the Director of Public Health and circulated among the delegates who attended the Bengal Medical Conference held in 1940 at Khulna; and

(*c*) if he will please place upon the Table the scheme which has been sanctioned by the Government?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) No. The scheme is still under the consideration of Government. I am anxious to introduce a scheme of public health reform which will be practical, economic and acceptable to the public at large.

(*b*) and (*c*) Do not arise.

LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state how long the scheme is under the consideration of Government?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: For a month or two.

Bund across Noakhali Khal.

19. Khan Bahadur REZZAQUL HAIDER CHOWDHURY: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*a*) the amount of expenditure incurred by the Government of Bengal for constructing the last bund across the Noakhali *khal;*

(*b*) whether the Government is aware that the newly excavated *khal* meant for drainage was not completed in time and as a result of that there was inundation in five thanas of the Sadar subdivision and consequent heavy loss of crops to cultivators;

(*c*) what action the Government propose to take for helping the cultivators who suffered from inundation due to the bund and the non-execution of the newly excavated *khal* in time;

(*d*) whether it is a fact that the District Magistrate wired to the Irrigation Department on the 3rd May, 1941, informing about the apprehended loss due to inundation arising out of bund;

(*e*) if so, when the Executive Engineer (Irrigation Department) came to Noakhali and when the mouth of the newly excavated *khal* was opened;

(*f*) whether it is a fact that the District Board and other public bodies also wired the Irrigation Department for taking steps for proper drainage of water;

(*g*) if so, when those telegrams were received by the Department and what action was taken by the Irrigation Department and when;

(*h*) whether it is a fact that the mouth of the newly excavated *khal* was opened on the 9th May, 1941;

(*i*) why no early steps were taken; and

(*j*) whether the Government will be pleased to place on the Table copies of the telegrams received from the District Magistrate, the Noakhali District Board and other public bodies in this connection?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): I have called for information and will supply it in due course.

Small Irrigational projects.

16. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*a*) whether the Government had called for proposals of small Irrigational projects from District Magistrates and District Boards;

(*b*) whether they have received a number of proposals approved by the District Magistrates and District Boards; if so, what is the approximate number;

(*c*) if the Government are considering the appointment of any additional staff for dealing with these proposals after local enquiry;

(*d*) when is the examination of the proposed projects likely to be finished; and

(*e*) when can the execution of those projects be expected?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) and (*b*) The Commissioners of Divisions were asked to compile, in consultation with the Collectors' and local authorities, a list of small projects for which there was a keen local demand. About 800 of such schemes were received from and through the Commissioners.

(*c*) to (*e*) Do not arise in view of the fact that in accordance with the new policy of decentralisation which Government propose to follow the primary responsibility for the preparation and execution of small schemes of local importance which do not call for high technical knowledge and equipment, rests with local authorities.

Prohibition.

20. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state what are the districts to which prohibition of intoxicating drugs and liquor has been applied and since when?

(*b*) Will the Hon'ble Minister be pleased to state the progress of prohibition in the notified areas or districts?

(*c*) What is the total amount of revenues received from excise from the districts of Noakhali and Tippera during the year ending March, 1941, and also during the year previous?

(*d*) Will the Hon'ble Minister be pleased to state what is the total amount of excise receipts in the financial year 1940-41 and in the financial year 1939-40?

(*e*) Is it the intention of the Government to enforce prohibition soon to some other districts also? If so, to which other districts? If not, why not?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): Necessary information is being collected. This will be furnished as soon as possible.

Adjournment motion.

Mr. LALIT CHANDRA DAS: On a point of order, Sir. Referring to my adjournment motion, may I say that the Hon'ble the Home Minister agreed to a discussion on a similar motion in the Lower House? Will he agree to a similar discussion in this House as well?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Mr. PRESIDENT: The House will now take up the adjournment motion of Mr. Lalit Chandra Das. Has any honourable member objection to Mr. Lalit Chandra Das moving his adjournment motion?

Mr. MESBAHUDDIN AHMED: Sir, I object to his moving the adjournment motion.

Mr. PRESIDENT: As there is objection, those who support the motion will please rise in their places.

(The requisite number of members, which is 13, did not arise.)

As requisite number of members have not supported the motion, the honourable member has not the leave of the House.

Mr. MESBAHUDDIN AHMED: As 7th and 11th of August have been fixed for the discussion of the Floud Commission Report, may I submit that on the 12th August the Touts Bill may be taken up?

Mr. PRESIDENT: The Touts Bill will be taken up on the 12th August, 1941.

Mr. HUMAYUN KABIR: May I then know, Sir, on what date the Floud Commission Report will be discussed here?

Mr. PRESIDENT: On the 7th and 11th.

The Bengal Agricultural Debtors (Second Amendment) Bill, 1940.

Mr. PRESIDENT: The House will now resume further discussion of the Bengal Agricultural Debtors (Second Amendment) Bill, 1940.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in clause 5 of the Bill, in sub-section (*1*) of the proposed section 37A, the words "in the possession" in lines 1 and 2, be omitted.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, I rise on a point of order. I beg to raise the point as to whether this discussion of this Bill will be valid under certain sections of the Government of India Act. My contention is that it militates against the provision of section 299(*3*) of the Government of India Act, and I request that I may be permitted to explain my view-point——

Mr. PRESIDENT: What is the section? 299(*3*)? Well, the section runs as follows:—"No Bill or amendment making provision for the transference to public ownership of any land or for the extinguishment or modification of rights therein, including rights or privileges in respect of land revenue, shall be introduced or moved in a Chamber of a Provincial Legislature without the previous sanction of the Governor in his discretion."

Is it your contention that the previous sanction of His Excellency the Governor has not been obtained?

Rai KESHAB CHANDRA BANERJEE Bahadur: My point is that it is of an expropriatory nature——

Mr. PRESIDENT: Will you please read out the section and show how the provisions of the Bill offend against this section?

Rai KESHAB CHANDRA BANERJEE Bahadur: All right, Sir. This section reads as follows:—"No Bill or amendment making provision for the transference to public ownership of any land or for the extinguishment or modification of rights therein," etc., etc.—herein the reference is to the extinguishment of certain rights which the proposed Bill seeks to take away——

Mr. PRESIDENT: Go on reading the whole section, please.

Rai KESHAB CHANDRA BANERJEE Bahadur:—— "including rights or privileges in respect of land revenue shall be introduced or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor-General in his discretion or in a

Chamber of a Provincial Legislature without the previous sanction of the Governor in his discretion."

I do not know whether the previous sanction of the Governor-General or the Governor has been taken in respect of this Bill. That is my first point, Sir.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, so far as the sanction of His Excellency the Governor is concerned, he has given sanction to the whole Bill and with regard to the amendments I believe that similar sanction has also been obtained in respect of each one of them.

Rai KESHAB CHANDRA BANERJEE Bahadur: All right, Sir. My next point is that the provisions of the Bill are of an expropriatory nature, as they seek to deprive certain persons of their right in land and are therefore *ultra vires* of the Government of India Act.

Mr. PRESIDENT: Well, what particular section of the Bill you are referring to?

Rai KESHAB CHANDRA BANERJEE Bahadur: To section 37A of the original Act and clause 5 of this amending Bill.

Mr. PRESIDENT: I have not been able to follow your point: what is your contention?

Rai KESHAB CHANDRA BANERJEE Bahadur: I am referring to Bill clause 5, which reads as follows:—"When any immovable property in the possession of any person has been sold after the twelfth day of August, 1935, in execution of a decree of a Civil Court or a certificate under the Bengal Public Demands Recovery Act, 1913, relating to a debt, other than a certificate for the recovery of any amount payable under an award such person or his heir, executor or administrator may, notwithstanding anything contained in any other law for the time being in force or in any agreement, apply for relief under this section, if the following conditions are fulfilled, namely:—" and so on and so forth.

My point is this——

Mr. PRESIDENT: What is the section of the Government of India Act which is infringed by this amendment?

Rai KESHAB CHANDRA BANERJEE Bahadur: Section 299, sub-section (*3*) of the Government of India Act.

Mr. PRESIDENT: I have already said that previous sanction has been obtained for the introduction of the Bill and the moving of the amendments. So, your objection does not hold good.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, new section 37A—Bill clause 5—includes immovable property of any kind——

Mr. PRESIDENT: Yes, it is quite correct; but you have not understood the position. You are referring to section 299(*3*) of the Government of India Act which deals only with the previous sanction and the Hon'ble Minister has stated that the previous sanction of the Governor had been obtained.

Rai KESHAB CHANDRA BANERJEE Bahadur: My second point relates to sub-section (*2*) of section 299 which says, "neither the Federal nor a Provincial Legislature shall have power to make any law authorising the compulsory acquisition for public purposes of any land, or any commercial or industrial undertaking, or any interest in, or in any company owning, any commercial or industrial undertaking——

Mr. PRESIDENT: It is now quite clear that you are referring to sub-section (*2*) and not sub-section (*3*) of section 299 of the Government of India Act.

Rai KESHAB CHANDRA BANERJEE Bahadur: I submit, Sir, that the definition of the expression "public purposes" is not clear. So, here the right in land possessed by certain persons is proposed to be taken away by this piece of legislation and by giving retrospective effect to certain provisions of the Act.

Mr. PRESIDENT: The meaning of the expression is quite clear. If there is compulsory acquisition for public purposes of any land, then only it comes within the mischief of section 299(*2*). So far as this particular amendment is concerned, it does not come within its mischief.

Rai KESHAB CHANDRA BANERJEE Bahadur: With reference to sub-section (*3*), may I demand production of the sanction of His Excellency the Governor?

Mr. PRESIDENT: The honourable member should come prepared when raising difficult points of law. As I have said before, section 299(*3*) deals with previous sanction of the Governor and the Hon'ble Minister has informed the House that the previous sanction has been obtained. I have ruled that when the previous sanction has been

obtained, the House will be within its rights to consider the Bill as well as the amendments.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, my amendment simply seeks to delete the words "in the possession". The effect of the deletion will be this—the Bill-clause says "when any immovable property in the possession of any person has been sold" and so on. But the Act itself proceeds on the basis that when the property *of* a debtor is concerned, then the provision will apply. Ownership of the debtor to the property is the test in the Act. So, if we remove the words "in the possession", the clause will read: "when any immovable property of any person has been sold——." The effect of the amendment will be that it will benefit the owner of the property. This is more than a drafting amendment and it will cure an oversight.

Mr. PRESIDENT: Amendment moved: that in clause 5 of the Bill, in sub-section (*1*) of the proposed section 37A, the words "in the possession" in lines 1 and 2, be omitted.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I think that gives a much better meaning and so I accept the amendment.

Mr. PRESIDENT: The question before the House is: that in clause 5 of the Bill, in sub-section (*1*) of the proposed section 37A, the words "in the possession" in lines 1 and 2, be omitted.

(The amendment was agreed to.)

Khan Bahadur M. SHAMSUZZOHA: Sir, I am still in doubt whether the next amendment which stands in my name is within the scope of the Bill.

Mr. PRESIDENT: Yes, I have considered this point. I rule your amendment out of order.

Mr. R. W. N. FERGUSON: Sir, I beg to move that in clause 5 of the Bill, in the proposed section 37A(*1*), after the word "sold" in line 2, the words "in any proceedings instituted" be inserted.

Sir, the object of this amendment is to bring the Bill into line with the Statement of Objects and Reasons, which states that the main object of the Bill is to provide machinery for restoring holdings in cases where landlords or creditors took hurried action towards obtaining decrees and putting them into execution, during the time the Bengal Agricultural Debtors Act, 1935, was passing through the Legislature. This Statement has expressly in view only those cases where proceedings for obtaining and executing decrees were instituted after the 1935 Act was introduced as a Bill in the Legislature. In fact, it goes as far as to

suggest that the decree itself, not to mention the application for execution of the decree, must have been obtained after the introduction of the 1935 Act as a Bill in the Legislature. The Bill as at present framed, however, goes beyond this, and the object of this amendment is to place a definite limit on the application of the Bill in accordance with the Statement of Objects and Reasons.

Mr. PRESIDENT: Amendment moved: that in clause 5 of the Bill, in the proposed section 37A(*1*), after the word "sold" in line 2, the words "in any proceedings instituted" be inserted.

Rai MANMATHA NATH BOSE Bahadur: Sir, I beg to support this amendment moved by my honourable friend Mr. Ferguson, especially as this amendment also stands in my name. The clause, Sir, as it stands means that any land sold (as a result of the proceedings instituted) after the 12th of August should have the benefit of this Bill. But my point is that any land sold after the 12th of August as a result of the proceedings instituted before the 12th of August would not come within the purview of this Bill. Therefore, Sir, I wish to make the point clear and I support this amendment moved by my honourable friend.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I quite appreciate the point of view expressed by two of my honourable friends Mr. Ferguson and Rai Bahadur Manmatha Nath Bose. But, Sir, my difficulty is this that if this amendment is accepted it would mean that a sale which might have taken place on the 13th August, 1935, would at once go out of the purview of this measure. Sir, by this amending Bill all that Government seek to do is that whatever sales took place after the twelfth day of August, 1935, provided some other provisions of this measure are followed, they could be brought within the purview of this measure so that when that sale will be set aside the decree-holder will get his money back.

Now, Sir, my friend Mr. Ferguson has pointed out that the measure should only cover those cases with regard to which proceedings had been taken up after 12th August, 1935; but the sale might have taken place long after that date, it may take months. In that case, we shall be giving relief to some and shall fail to give relief in case of others. I submit, therefore, that it is difficult for me in these circumstances to accept this amendment. I hope my friend would be good enough to withdraw his amendment; otherwise, I shall have the painful necessity to oppose his amendment.

Mr. PRESIDENT: The question before the House is: that in clause 5 of the Bill, in the proposed section 37A(*1*), after the word "sold" in line 2, the words "in any proceedings instituted" be inserted.

(The amendment was negatived.)

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Sir, I beg to move that in clause 5 of the Bill, in the proposed section 37A(*1*), for the words and figures "twelfth day of August, 1935" in line 3, the words and figures "ninth day of April, 1936" be substituted.

Sir, the reason for my moving this amendment is very very plain. My amendment is quite simple and harmless and it is calculated not to hinder in any way the working of this measure. What I intend to do is to make the working of the Bill more logical and consistent, so that it may not come into force from an earlier date. You will find, Sir, that the Bengal Agricultural Debtors Act, 1935, came into operation on the 9th April, 1936. It was published in the "Calcutta Gazette" on the 9th April, 1936. That is to say, it was practically in operation from the date of its birth. I cannot understand how effect can be given to it before the birth of the Act. This, I think, is inconsistent and illogical and against all principles of law.

Mr. PRESIDENT: Amendment moved: that in clause 5 of the Bill, in the proposed section 37A(*1*), for the words and figures "twelfth day of August, 1935" in line 3, the words and figures "ninth day of April, 1936" be substituted.

Rai MANMATHA NATH BOSE Bahadur: Sir, I support this amendment. Sir, security of right to property is one of the essentials in legislation. Decrees passed prior to 1935 were executed in the usual way and the sales were held in the usual way. At that time, I submit, no one had even the least idea that their rights will in future be interfered with in any way. As a matter of fact, this legislation, if given effect to, will deprive all those persons who purchased property after a good deal of trouble and expenses—and in some cases people had to run up to the highest court of appeal,—of their property for no fault of their own. I submit that the object of all laws is to maintain the rights and interests acquired by lawful means; and it is only to remedy defects if there be any in the existing law that an amending legislation may be brought. If this principle is not remembered at the time when laws are passed, then in some cases they take away the rights of people and thereby injure people for no fault of their own.

Therefore, I beg to submit, Sir, that in order to be logical and consistent, it is necessary that this amendment should be accepted. This amendment simply says that effect be given from the date on which this Act was originally published in the Gazette.

Khan Bahadur M. SHAMSUZZOHA: Sir, I oppose the amendment moved by my friend the Raja Bahadur. This Bill is intended to supplement the Bengal Agricultural Debtors Act which was passed in the old Legislative Council in 1935. Prior to the introduction of the Bill

became an Act later on, the Banking Enquiry Committees—both the Central Banking Enquiry Committee and the Provincial Banking Enquiry Committee—came to unanimous opinion about the heavy indebtedness of the agriculturists in general. As regards the condition of the Bengal agriculturists, they found that it was hopelessly bad. It is for this reason that for the first time in the year 1935, that legislation was brought forward with the object of scaling down their debts. But when this Bill was on the legislative anvil, many a creditor getting scent of the law that was going to be enacted hurried to the law courts and got decrees for the loans they had advanced. Those creditors who had already got decrees straightway put those decrees into execution through the courts. Thus, availing themselves of the existing law, they took away the properties of the agriculturist-debtors. Now, there is no denying the fact that in order to give relief to the debtors this legislation was brought before the Legislature. Even then, that is to say, in 1935, my friend Maulvi Abul Quasem, who is even now with us here, moved an appropriate amendment that the legislative measure should be brought into operation at once but the Legislative Council at that time decided that it would not be worth while to put the Act into operation all at once. His amendment being negatived, Sir, there was no remedy left at that time to prevent the money-lenders or decree-holders from taking advantage of the existing law and having the lands of their debtors sold. Now, the present amending Bill has been brought in only with a view to giving relief to persons who had to lose their property during that time through the precipitate action of the decree-holders or money-lenders after the publication of the text of the original Bill in the *Calcutta Gazette* on the 20th day of August, 1935. Now, the contention of both of my friends, the Raja Bahadur of Nashipur and also of Rai Bahadur Manmatha Nath Bose, is that the provisions of this Bill would operate very harshly on the creditors. But Sir, the provisions which we are going to pass to-day cannot be regarded as altogether one-sided. As a matter of fact, there are provisions calculated to safeguard the interests of the decree-holders also.

While the third parties are not going to get any advantage, the assignees and transferees of the decree-holders are going to get some protection. This Act will apply only to the decree-holders who are in possession of the lands. One of the most important conditions on which the lands would revert to the debtors is that the debtors will be entitled to apply only when their property is in the possession of the decree-holders. If there is any *bonâ fide* transferee, he would be excluded but those who are not *bonâ fide* transferees, their properties will be taken away. So, it will be seen that those who are *bonâ fide* transferees or those who have acquired the lands for valuable consideration, they will be protected.

Therefore, it will be seen that there is ample protection in the provisions of this Bill that has been placed before the Legislature. It cannot be contended that if this Bill is passed into law great injustice will be done to the decree-holders or money-lenders who are now in possession of the debtors' land. It is meant only to relieve those persons who, in the process of law, lost their property and could not get relief. So I do not think my friends opposite will be justified in castigating the law which is intended for the relief of the heavily-burdened agriculturists.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise also to oppose the amendment. No doubt the amendment is based on a well-known principle that retrospective effect should not be given in all cases and no provisions should be lightly made which would affect past transactions. But this is valid only in a large number of cases but not in all cases. In this case we want to give relief to the debtor whose land has been sold. Now, Sir, it is obvious that when a property is sold, there must be somebody who is to sustain loss—either the debtor or the purchaser. But here there is one particular condition which should be considered. The property of the debtor would be returned to him on equitable conditions. There are sufficient safeguards for *bonâ fide* transferees. If there is a *bonâ fide* transfer for valuable consideration, such transferees will not be affected. It is only when the decree-holder purchases the property that he would be required to return the property to the debtor and even so the debtor does not get it back free of cost under this Bill. The debtor will be saved and the creditor will also be safeguarded. Of course, somebody would be inconvenienced, but no injustice is done in the sense as it is understood in law and in politics; the debtor will be relieved, and he would be preserved for further exploitation by creditors. If the debtor is not saved, he will not have enough credit to be further exploited. So, in the future interest of both parties the amendment should not be accepted.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I have nothing further to add to what my friends Khan Bahadur Naziruddin Ahmad and Khan Bahadur Shamsuzzoha have said in opposing this amendment. I hope my honourable friend who has moved the amendment will be pleased to withdraw it or I shall have to oppose it.

Mr. PRESIDENT: The question before the House is: that in clause 5 of the Bill, in the proposed section 37A(*1*), for the words and figures "twelfth day of August, 1935" in line 3, the words and figures "ninth day of April, 1936" be substituted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in clause 5 of the Bill, in sub-section (*1*) of the proposed section 37A, after the word "contained" in line 11, the words "in this Act or" be inserted.

The fact that this Act, *i.e.*, the Bengal Agricultural Debtors Act might be in conflict with this clause was not foreseen at the time of drafting the clause. In these circumstances, I beg to submit that if these words are inserted any possible clash between this sub-section and the principles of this Act will be obviated.

Mr. PRESIDENT: The question before the House is: that in clause 5 of the Bill, in sub-section (*1*) of the proposed section 37A, after the word "contained" in line 11, the words "in this Act or" be inserted.

(The amendment was agreed to.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in clause 5 of the Bill, in sub-clause (*i*) of clause (*b*) of sub-section (*1*) of the proposed section 37A, for the words "in which the property is situated" in lines 3 and 4, the words "within which such person ordinarily resided at the time of the sale" be substituted.

Sir, this is, I submit, an important amendment. The Act enables a debtor to apply to a Debt Settlement Board within the jurisdiction of which he ordinarily resides. This is to be found in section 8 of the original Act which runs thus—"Subject to the provisions of section 9 a debtor may make an application for the settlement of his debts to a Board established for the local area within which he ordinarily resides". So, the forum depends upon residence and not upon the situation of the property. In this Bill the forum is attempted to be made to be dependent on the geographical situation of the property. I think, Sir, these two things will in many cases clash. The Bill-clause, if it is allowed to stand, will give double relief in certain cases and will afford no relief in other cases. Sir, in a large majority of cases a man ordinarily resides where his property is situate, but it is also very often the case that a man lives in one jurisdiction but has properties in various other jurisdictions. In such cases there will be a deadlock. Supposing a man resides in Burdwan and has properties in Howrah and supposing that at the time when the original Act came into force, I mean at the time when the sale took place, there was a Debt Settlement Board in Burdwan, he could move that Debt Settlement Board and he could have got his remedy. But here the Bill-clause says that he could apply to the Board wherein the property is situate. By this he would get double opportunity, of having the opportunity in Burdwan and he would again get the opportunity of applying in Howrah. Let us take the converse case—supposing that he lives in

Burdwan and has properties in Howrah at the time of the sale and there was a Debt Settlement Board at Howrah but no Debt Settlement Board in Burdwan. He could not have under the Act to come to Howrah because his forum was at Burdwan but there was no Debt Settlement Board there.

Under the Bill-clause, if there was a Debt Settlement Board in Howrah at the time, then he cannot get any relief. He will neither be able to apply in Burdwan where he resided or in Howrah where the property is situate. The Bill-clause as drafted is contrary to the scheme of the Act. It is drafted on the wrong supposition that the forum lies where the property is situate. So, I believe that if this amendment is accepted, the Act and the Bill will synchronise and there will be harmony and no difficulty and no double relief.

In these circumstances, I submit that this amendment may be accepted.

Mr. PRESIDENT: Amendment moved: that in clause 5 of the Bill, in sub-clause (*i*) of clause (*b*) of sub-section (*1*) of the proposed section 37A, for the words "in which the property is situated" in lines 3 and 4, the words "within which such person ordnarily resided at the time of the sale" be substituted.

Mr. HUMAYUN KABIR: Sir, I have every sympathy with the purpose of the amendment which has been moved by my honourable friend; but it is not quite clear to me in what way he is going to give the relief which he wants to give to the debtor or the creditor as the case might be. If his amendment is accepted, such application may be filed before a board within whose area such person ordinarily resides at the time of the decree. In many cases the creditor lives where his property is not situated. So far as the debtor is concerned, in the case of the Bengal Agricultural Debtors Act, we can assume that he will be a resident of the area where his property is. In very many cases the creditor need not be there. For example, a Calcutta-man may lend to a tenant in the mofussil but the creditor may not live there. If the amendment of my honourable friend is accepted, in such cases the application will have to be filed at the place within which such person at the time of the sale should reside. But whom does this "such person" refer to? Does it refer to the debtor or to the creditor? If "such person" refers to the debtor and not to the creditor, then it is not objectionable, but it would be better to make it clear. This is a long clause—the sense is dragged from one sub-paragraph to another, —from one sub-clause to another and so on,—and with the ingenuinity of the profession to which the honourable mover has the honour to belong, it is capable, I am sure, of all sorts of meanings which instead of helping the debtor will in many cases go against him, unless further

amendments are introduced. This may lead to further complication and difficulties. I would, therefore, suggest that instead of the word "person," the word "debtor" may be substituted. Otherwise, I have no objection.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I do not think Mr. Kabir need have any apprehension which he has just now expressed. Application may be filed for the setting aside of the sale by which the applicant has been deprived of the property from a particular date. That application, according to the amendment moved by my friend Khan Bahadur Naziruddin Ahmed, is to be made before the board within whose jurisdiction the man resides. So far as the debtors and creditors are concerned, they may not reside within the jurisdiction of the same Board before which applications are generally made. The application is to be made before the Board within which the debtor resides and not before the Board within which the property is situated. So, practically there is no difficulty.

Sir, I would ask him to accept the provisions of the Bill for the time being and if it is found that there is any difficulty the position may be clarified later on. In this view of the case, I am prepared to accept the amendment of my friend the Khan Bahadur.

Mr. PRESIDENT: The question before the House is: that in clause 5 of the Bill, in sub-clause (*i*) of clause (*b*) of sub-section (*1*) of the proposed section 37A, for the words "in which the property is situated" in lines 3 and 4, the words "within which such person ordinarily resided at the time of the sale" be substituted.

(The amendment was agreed to.)

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: I beg to move that in clause 5 of the Bill, for clause (*c*) of the proposed section 37A(*1*), the following be substituted, namely:—

"Provided that no such application for restoration to possession of immovable property sold in execution of decrees of Civil Courts or of Certificates under the Public Demands Recovery Act, 1913, as mentioned above, shall be entertained when the decree-holder or the certificate-holder after purchase has made a *bonâ fide* transfer of the property purchased by him, by way of sale or lease or gift or any other forms of transfer:

Provided also that this section shall not be operative in respect of sales for arrears of rent and also in respect of sales confirmed or ratified by compromise or agreement."

Sir, what I urge is that all *bonâ fide* transfers should be respected and should not be lightly treated. In moving this amendment I may point out to the House that tremendous difficulties will arise if restoration is allowed of immovable property sold in execution of a decree by a decree-holder.

Nor can you easily make a transferee part with a property legally acquired by him and kept in his possession for long long years for considerations paid in cash or by any other method. The law courts will also naturally not be inclined to give this relief.

Then, Sir, there will also arise the question of compensation and damage and thus there will be serious litigation out of all this. So that practically both debtors and the creditors will suffer to a large extent and consequent litigation will take long years to come to an end. In the long run, both of them will be put to great difficulty and loss and there will be no benefit to anybody out of this transaction. With this view I move my amendment.

Mr. PRESIDENT: Amendment moved: that in clause 5 of the Bill, for clause (*c*) of the proposed section 37A(*1*), the following be substituted, namely:—

> "Provided that no such application for restoration to possession of immovable property sold in execution of decrees of Civil Courts or of Certificates under the Public Demands Recovery Act, 1913, as mentioned above, shall be entertained when the decree-holder or the certificate-holder after purchase has made a *bonâ fide* transfer of the property purchased by him, by way of sale or lease or gift or any other forms of transfer:
>
> Provided also that this section shall not be operative in respect of sales for arrears of rent and also in respect of sales confirmed or ratified by compromise or agreement."

Khan BAHADUR NAZIRUDDIN AHMAD: Sir, with regard to this amendment the position of our party is that the next amendment —No. 12A—covers the amendment of the Raja Bahadur to a great extent: that is the security offered to persons who make *bonâ fide* transfer. There are elaborate provisions which will cover these cases. In these circumstances, we oppose the amendment. Not that we oppose the main principle of the amendment but as our amendment will cover the principle of the amendment of the Raja Bahadur, we oppose it.

Mr. HUMAYUN KABIR: Sir, if the two amendments are identical, what is the objection to accepting Raja Bahadur's amendment?

Khan Bahadur NAZIRUDDIN AHMAD: They are not identical. There is some drafting difference.

Khan Bahadur M. SHAMSUZZOHA: Sir, I oppose the amendment of the Raja Bahadur. The main condition of the provision is that the property will be restored to the debtor if the decree-holder was in possession of property by virtue of sale taking place on or after the 12th August, 1935. That is, Sir, one of the crucial dates from which the provisions of the Bill is to be given effect to. Further, if the decree-holder is in possession of the property on the 20th December, 1939, then the debtor will be entitled to apply to the Board for relief, because it is the date on which announcement was made as regards the necessity of this law in order to give relief to the debtors whom relief could not be given in the year 1935. Therefore, the date 20th December has been taken as one of the pivots on which the debtor will be eligible for submitting application. If no such safeguard was made restraining transfers subsequent to 20th December, 1939, then mere passing of this Bill would not afford any relief to the debtor. In view of the fact that many transfers, leases and other transactions might be manufactured in order to evade and defeat the provisions of this Act, this brake has been introduced. Under this provision no bogus transfers would be recognised. My friend, Khan Bahadur Naziruddin Ahmad, has already pointed out that there are certain other amendments which are going to be moved by him and other members of our party which will improve the position of the *bona fide* transferees. So, there cannot be any hardship to those persons who are *bonâ fide* transferee for valuable consideration. With these words, I oppose the amendment.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I have not much to say after what has fallen from my friends Khan Bahadur Naziruddin Ahmad and Khan Bahadur Shamsuzzoha. So far as the first part of the amendment is concerned, it will be met by the next amendment which I understand is going to be moved by Khan Bahadur Naziruddin Ahmad. So far as the second part of the amendment is concerned, it is not possible for me to accept it for the simple reason that while we seek to have the sale set aside, it appears certainly to my friend the Raja Bahadur that we should make provision in this Bill for the decree-holder to get his money back. If that is so, I submit there is no reason why a sale of that character should not be brought under the provision of this Bill. We know that in this province a very large number of sales comes under that category.

As regards the question of compromise or agreement, it must appear to anyone of us that there have been cases where even on the face of such things, troubles have arisen. Again, it is so vague and indefinite that it is impossible for us to accept the suggestion made in the second

part of the amendment of my honourable friend Raja Bahadur of Nashipur, and I have to oppose it.

Mr. PRESIDENT: The question before the House is: that in clause 5 of the Bill, for clause (*c*) of the proposed section 37A(*1*), the following be substituted, namely:—

"Provided that no such application for restoration to possession of of immovable property sold in execution of decrees of Civil Courts or of Certificates under the Public Demands Recovery Act, 1913, as mentioned above, shall be entertained when the decree-holder or the certificate-holder after purchase has made a *bonâ fide* transfer of the property purchased by him, by way of sale or lease or gift or any other forms of transfer:

Provided also that this section shall not be operative in respect of sales for arrears of rent and also in respect of sales confirmed or ratified by compromise or agreement".

(The amendment was negatived.)

Mr. R. W. N. FERGUSON: Sir, the next amendment No. 12A which is in the name of Khan Bahadur Naziruddin Ahmad is a redraft of my amendment No. 14 and with your permission I would like to move it.

Khan Bahadur NAZIRUDDIN AHMAD: With regard to 12A, I submit that it is a redraft of the amendments made by Mr. Ferguson and others.

Mr. PRESIDENT: Then I shall allow Mr. Ferguson to move it in the amended form.

Mr. R. W. N. FERGUSON: Sir, I beg to move that in clause 5 of the Bill, in sub-section (*1*) of the proposed section 37A, for clause (*c*) the following clause be substituted, namely:—

"(*c*) if the property sold was in the possession of the decree-holder on or after the twentieth day of December, 1939, or was alienated by the decree-holder before that date in any manner otherwise than by——

(*i*) a *bonâ fide* gift by a *heba* whether by registered instrument or not, or

(*ii*) any other *bonâ fide* gift by registered instrument, or

(*iii*) a *bonâ fide* lease for valuable consideration whether by registered instrument or not, or

(*iv*) any other *bonâ fide* transfer for valuable consideration (excepting a mortgage) by registered instrument".

Sir, the object of this amendment is to protect from eviction all *bonâ fide* tenants whether they have registered leases or not. Sub-section (*1*)(*c*) of the new sub-section 37A, as it stands at present, only protects *bonâ fide* tenants with registered leases but it is well-known that a great many *bonâ fide* tenants do not have registered leases. The object of this clause presumably is to protect all *bonâ fide* third parties, and it is clearly inequitable to discriminate between tenants who hold registered leases and those who do not.

Mr. PRESIDENT. The question before the House is: that in clause 5 of the Bill, in sub-section (*1*) of the proposed section 37A, for clause (*c*) the following clause be substituted, namely:—

"(*c*) if the property sold was in the possession of the decree-holder on or after the twentieth day of December, 1939, or was alienated by the decree-holder before that date in any manner otherwise than by—

(*i*) a *bonâ fide* gift by a *heba* whether by registered instrument or not, or

(*ii*) any other *bonâ fide* gift by registered instrument, or

(*iii*) a *bonâ fide* lease *for* valuable consideration whether by registered instrument or not, or

(*iv*) any other *bonâ fide* transfer for valuable consideration (excepting a mortgage) by registered instrument".

(The amendment was agreed to.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in clause 5 of the Bill, in sub-section (*2*) of the proposed section 37A, for the words "in which the property is situated" in lines 2 and 3, the words "within which the applicant ordinarily resides" be substituted.

Sir, this is a consequential amendment to an amendment which has already been carried in the House.

Mr. PRESIDENT: Amendment moved: that in 5 of the Bill, in sub-section (*2*) of the proposed section 37A, for the words "in which the property is situated" in lines 2 and 3, the words "within which the applicant ordinarily resides" be substituted.

(The amendment was agreed to.)

Mr. MESBAHUDDIN AHMED: Sir, I beg to move that in clause 5 of the Bill, in sub-section (*2*) of the proposed section 37A, for the words, brackets and figures "(Second Amendment) Act, 1940" the words, brackets and figures "(Amendment) Act, 1941" be substituted.

I beg also to move that in clause 5 of the Bill in sub-section (*2*) of the proposed section 37A, after the words "whichever is later" the words "notwithstanding that on the date of such application the period of five years from the establishment of the first Board in such local area has already expired" be inserted.

Mr. PRESIDENT: Amendments moved: that in clause 5 of the Bill, in sub-section (*2*) of the proposed section 37A, for the words, brackets and figures "(Second Amendment) Act, 1940" the words, brackets and figures "(Amendment) Act, 1941" be substituted.

That in clause 5 of the Bill in sub-section (*2*) of the proposed section 37A, after the words "whichever is later" the words "notwithstanding that on the date of such application the period of five years from the establishment of the first Board in such local area has already expired" be inserted.

(The amendments were agreed to.)

Mr. R. W. N. FERGUSON: Sir, I beg to move that in clause 5 of the Bill, in the proposed section section 37A(*4*), for the words "if, within such period as the Board may allow, the applicant and the decree-holder do not affect an amicable settlement of the debt", in lines 3, 4 and 5, the words "if after an opportunity has been allowed in the manner prescribed, the applicant, the decree-holder and the landlord of the applicant in respect of the property sold in the case where the decree-holder is not such landlord or where the Board finds that the property sold is subject to any *bonâ fide* mortgage executed by the decree-holder before the twentieth day of December, 1939, the applicant, the decree-holder, such landlord and such mortgagee do not affect an amicable settlement of the debt within such period as the Board may allow" be substituted.

Sir, the object of this amendment is to protect the rights of *bonâ fide* mortgagees and is very necessary in view of the fact that sub-section (*1*)(*c*) of the new sub-section 37A, as amended, expressly excludes a mortgage from *bonâ fide* transfers.

Mr. PRESIDENT: Amendment moved: that in clause 5 of the Bill, in the proposed section 37A(*4*), for the words "if, within such period as the Board may allow, the applicant and the decree-holder do not affect an amicable settlement of the debt", in lines 3, 4 and 5, the words "if after an opportunity has been allowed in the manner prescribed, the applicant, the decree-holder and the landlord of the applicant in respect of the property sold in the case where the decree-holder is not such landlord or where the Board finds that the property sold is subject to any *bonâ fide* mortgage executed by the decree-holder

before the twentieth day of December, 1939, the applicant, the decree-holder, such landlord and such mortgagee do not affect an amicable settlement of the debt within such period as the Board may allow" be substituted.

(The amendment was agreed to.)

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in clause 5 of the Bill, for the proposed section 37(*5*) the following be substituted, namely:—

"(*5*) After making the estimate referred to in sub-section (*4*), the Board shall make an award directing the applicant—

(*a*) to pay annually in cash to the decree-holder one-half of the value of such average annual gross receipts until the debt is extinguished or until twenty years have expired from the date of the award, whichever is earlier, and

(*b*) in addition, to pay in cash together with each such annual payment as long as such payment continues any amount payable to the landlord of the applicant as current annual rent of the property sold."

Sir, the object of this amendment is to make clear and specify the orders to be passed by the Board. It is provided here that the annual income of debtors should first of all be determined and then half of that should be allowed for his maintenance and the other half will go towards liquidating his debt for twenty years at the maximum. If, however, his debt is extinguished beforehand, the debt will cease; but if not, it will cease on the 20th year. This is in accordance with the principle of the original Act. In these circumstances, the amendment has been submitted to clarify the position.

(The amendment was agreed to.)

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in clause 5 of the Bill, to sub-section (*5*) of the proposed section 37A, the following be added, namely:—

"Provided that if the property sold is subject to any *bonâ fide* mortgage executed by the decree-holder before the twentieth day of December, 1939, the Board shall in the said award instead of directing the payment referred to in clause (*a*), direct—

(*i*) that the applicant shall until the principal of the said mortgage, in so far as such principal does not exceed the debt referred to in clause (*a*) of sub-section (*6*), is

paid off or until twenty years have expired from the date of the said award, whichever is earlier, pay to such mortgagee annually and in cash one-half of the value of the average annual gross receipts referred to in clause (*a*) of this sub-section, and

(*ii*) that the applicant shall, if after such principal of the said mortgage is paid off anything on account of the debt referred to in clause (*a*) of sub-section (*6*) is still outstanding and twenty years have not expired from the date of the said award continue to pay the amount referred to in clause (*a*) of this sub-section to the decree-holder until the debt is extinguished or until twenty years have expired from the date of the said award; whichever is earlier:

Explanation.—For the purposes of this proviso any payment made to the mortgagee under clause (*i*) of this proviso shall be deemed to be made towards the debt referred to in clause (*a*) of sub-section (*6*)."

Sir, this is rather a longish amendment; but the underlying principle is very simple. It provides a safeguard for *bonâ fide* mortgagees of properties, a principle which has been accepted in the other amendments. This is the proper place where the position of the mortgagee should be made clear. The essence of the amendment is that in case the decree-holder bought a property and in case he mortgaged the property to a third party and the Board gave a new award, the effect of the setting aside of the sale would be that the payment would be made to the decree-holder and not to the mortgagee. So, this provision has been made to safeguard the *bonâ fide* mortgagee. The effect of this amendment will be that the demand made by the decree-holder would not be paid to him but to the mortgagee so long as the debtor is not satisfied that the dues under the mortgage would not be affected. He would be substituted in place of the mortgagor. This provision, therefore, is in the interest of the mortgagee and for his protection, and with this object this amendment has been brought. It is a very lengthy amendment but it will serve the purpose and will fill up loopholes.

Mr. PRESIDENT: The question before the House is: that in clause 5 of the Bill, to sub-section (*5*) of the proposed section 37A, the following be added, namely:—

"Provided that if the property sold is subject to any *bonâ fide* mortgage executed by the decree-holder before the twentieth day of December, 1939, the Board shall in the said award

instead of directing the payment referred to in clause (*a*), direct—

(*i*) that the applicant shall until the principal of the said mortgage, in so far as such principal does not exceed the debt referred to in clause (*a*) of sub-section (*6*), is paid off or until twenty years have expired from the date of the said award, whichever is earlier, pay to such mortgagee annually and in cash one-half of the value of the average annual gross receipts referred to in clause (*a*) of this sub-section, and

(*ii*) that the applicant shall, if after such principal of the said mortgage is paid off anything on account of the debt referred to in clause (*a*) of sub-section (*6*) is still outstanding and twenty years have not expired from the date of the said award continue to pay the amount referred to in clause (*a*) of this sub-section to the decree-holder until the debt is extinguished or until twenty years have expired from the date of the said award; whichever is earlier:

Explanation.—For the purposes of this proviso any payment made to the mortgagee under clause (*i*) of this proviso shall be deemed to be made towards the debt referred to in clause (*a*) of sub-section (*6*)."

(The amendment was agreed to.)

Mr. MESBAHUDDIN AHMED: I beg to move that in clause 5 of the Bill, after sub-section (*5*) of the proposed section 37A, the following sub-section be inserted, namely:—

"(*5a*) That Board shall in the case where any improvement has been effected *bonâ fide* by the decree-holder before the twentieth day of December, 1939, by the erection of a building whether of masonry, bricks, stone or any other material whatsoever or by the excavation of any tank on the property sold or on any portion thereof, allow compensation to the decree-holder for any loss caused to him by the restoration of the possession of such property to the debtor and shall, before making an award under sub-section (*5*), determine the amount of such compensation in the manner prescribed."

Mr. PRESIDENT: The question before the House is: that in clause 5 of the Bill, after sub-section (*5*) of the proposed section 37A, the following sub-section be inserted, namely:—

"(*5a*) That Board shall in the case where any improvement has been effected *bonâ fide* by the decree-holder before the

twentieth day of December, 1939, by the erection of a building whether of masonry, bricks, or stone or any other material whatsoever or by the construction of any tank or well on the property sold or on any portion thereof, allow compensation to the decree-holder for any loss caused to him by the restoration of the possession of such property to the debtor and shall, before making an award under sub-section (*5*), determine the amount of such compensation in the manner prescribed".

(The amendment was agreed to.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in clause 5 of the Bill for sub-section (*6*) of the proposed section 37A, the following be substituted, namely:—

"(*6*) For the purposes of an award made under sub-section (*5*)—

(*a*) the debt shall be deemed to be—

(*i*) the amount of the decree or certificate in execution of which the property was sold together with all costs of such execution including the cost of delivery of possession of the property to the decree-holder calculated in the manner prescribed, and

(*ii*) in addition, the compensation, if any, allowed under sub-section (*5a*) and in the case of a decree or certificate for arrears of rent, the amount of the rent, if any, payable to the decree-holder in respect of the property between the date of the institution of the suit or the filing of the certificate and the date on which the decree-holder secured possession of the property, after deducting therefrom, in respect of each year during which the decree-holder remained in possession of the property, an amount equal to half the average annual gross receipts estimated under sub-section (*4*), and a proportionate amount in respect of any portion of any such year; and

(*b*) in the case to which the proviso to sub-section (*5*) applies, the debt shall include so much of the principal of the mortgage referred to in that proviso as is payable under clause (*i*) of that proviso to the mortgagee; and after such an award has been made, the applicant shall be deemed to be a debtor."

Sir, this is also a revised draft of the proposed sub-section (*6*). This takes into consideration a large number of points raised in the various amendments especially by Khan Bahadur Saiyed Muazzamuddin Hosain and it is these points which have been incorporated in the original draft. In these circumstances, this amendment may be accepted.

Mr. PRESIDENT: The question before the House is-

Mr. KADER BAKSH: I oppose this amendment on the ground that it is most cumbrous and absolutely meaningless and too much of mathematical calculation will be required to follow the same. So, Sir, on the basis of its cumbrousness, I oppose it.

Khan Bahadur NAZIRUDDIN AHMAD: On a point of personal explanation, Sir. We have already assumed a tremendous amount of judgment and intelligence on the part of the Debt Settlement Boards and they have been given a discretion which had never been received even by the Judges of the Privy Council. The Debt Settlement Boards often perform duties which our experienced Judges would find it difficult to do. In these circumstances, the mere cumbrousness of the clause would not hinder them at all in any way.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, this amendment makes the position clearer. I do not think that the apprehension expressed by Mr. Kader Baksh will at all arise.

Mr. PRESIDENT: The question before the House is: that in clause 5 of the Bill for sub-section (*6*) of the proposed section 37A, the following be substituted, namely:—

"(*6*) For the purposes of an award made under sub-section (*5*)—

(*a*) the debt shall be deemed to be—

(*i*) the amount of the decree or certificate in execution of which the property was sold together with all costs of such execution including the cost of delivery of possession of the property to the decree-holder calculated in the manner prescribed, and

(*ii*) in addition, the compensation, if any, allowed under sub-section (*5a*) and in the case of a decree or certificate for arrears of rent, the amount of the rent, if any, payable to the decree-holder in respect of the property between the date of the institution of the suit or the filing of the certificate and the date on which

the decree-holder secured possession of the property, after deducting therefrom, in respect of each year during which the decree-holder remained in possession of the property, an amount equal to half the average annual gross receipts estimated under sub-section (*4*), and a proportionate amount in respect of any portion of any such year; and

(*b*) in the case to which the proviso to sub-section (*5*) applies, the debt shall include so much of the prinicipal of the mortgage referred to in that proviso as is payable under clause (*i*) of that proviso to the mortgagee; and after such an award has been made, the applicant shall be deemed to be a debtor".

(The amendment was agreed to.)

Mr. MESBAHUDDIN AHMED: Sir, I beg to move that in clause 5 of the Bill, in sub-section (*7*) of the proposed section 37A—

(*a*) after the words "that the debtor" in line 5, the words "together with any person who was in possession of the property sold or any part thereof at the time of delivery of possession of such property to the decree-holder as an under-*raiyat* of the debtor and who has been ejected therefrom by reason of such sale" be inserted;

(*b*) after the words "in possession of the property" in lines 8 and 9, the words "other than a person who was in possession of the property or part thereof as an under-*raiyat* of the debtor at the time of delivery of possession of such property to the decree-holder" be inserted.

(The amendment was agreed to.)

Mr. MESBAHUDDIN AHMED: Sir, I beg to move that in clause 5 of the Bill, at the end of sub-section (*8*) of the proposed section 37A, the following be added, namely:—

"and, notwithstanding anything contained in any other law, any alienation or charge so made shall be void and of no effect".

(The amendment was agreed to.)

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in clause 5 of the Bill, in sub-section (*9*) of the proposed section 37A, for the words "to the failure by the debtor" in line 2, the words "in the case where the debtor fails" be substituted.

This is only a drafting amendment. The Bill-clause says that the provisions of sections 28 and 29 shall be applicable to the failure by the debtor to pay by the date fixed, etc., etc. I beg to submit that this is a round-about way of saying that in case of the debtor's failure to pay, section so so will apply. My amendment also says this only more clearly. In these circumstances, this being merely a drafting change, the amendment may be accepted by the House.

Mr. PRESIDENT: The question before the House is: that in clause 5 of the Bill, in sub-section (*9*) of the proposed section 37A, for the words "to the failure by the debtor" in line 2, the words "in the case where the debtor fails" be substituted.

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is: that clause 5, as amended, stand part of the Bill.

(The motion was agreed to.)

Clause 6.

Mr. PRESIDENT: The question is that clause 6 stand part of the Bill.

Mr. MESBAHUDDIN AHMED: Sir, with your permission, may I make a little verbal change in the amendment which stands in my name?

Mr. PRESIDENT: Yes.

Mr. MESBAHUDDIN AHMED: I beg to move that in clause 6 of the Bill—

(*1*) for the words "following clause" the words "following clauses" be substituted;

(*2*) after the proposed clause (*ya*) the following clauses be added:—

"(*yb*) the manner in which an opportunity shall be allowed to effect an amicable settlement under sub-section (*4*) of section 37A;

(*yc*) the manner in which the amount of compensation shall be determined under sub-section (*5a*) of section 37A;

(*yd*) the manner of calculation of costs referred to in sub-clause (*1*) of clause (*a*) of sub-section (*6*) of section 37A."

Mr. PRESIDENT: The question before the House is: that in clause 6 of the Bill—

(*1*) for the words "following clause" the words "following clauses" be substituted;

(*2*) after the proposed clause (*ya*) the following clauses be added:—

"(*yb*) the manner in which an opportunity shall be allowed to effect an amicable settlement under sub-section (*4*) of section 37A;

(*yc*) the manner in which the amount of compensation shall be determined under sub-section (*5a*) of section 37A;

(*yd*) the manner of calculation of costs referred to in sub-clause (*1*) of clause (*a*) of sub-section (*6*) of section 37A."

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is: that clause 6, as amended, stand part of the Bill.

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House is: that the title and the preamable stand part of the Bill.

(The motion was agreed to.)

Mr. PRESIDENT: Order, order. The House stands adjourned till 2-15 p.m. to-morrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Tuesday, the 5th August, 1941.

Members absent.

The following members were absent from the meeting held on the 4th August, 1941 :—

(1) Khan Sahib Abdul Hamid Chowdhury.
(2) Mr. Humayun Reza Chowdhury.
(3) Mr. Kamini Kumar Dutta.
(4) Khan Bahadur Alhadj Khwaja Muhammad Esmail.
(5) Mr. Kanai Lal Goswami.
(6) Khan Bahadur Saiyed Muazzamuddin Hosain.
(7) Khan Bahadur Syed Muhammad Ghaziul Huq.
(8) Alhadj Khan Bahadur Shaikh Muhammad Jan.
(9) Khan Bahadur Muhammad Asaf Khan.
(10) Maulana Muhammad Akram Khan.
(11) Mr. Naresh Nath Mookerjee.
(12) Dr. Radha Kumud Mookerji.
(13) Mr. Ranajit Pal Chowdhury.
(14) Dr. Kumud Sankar Ray.
(15) Mr. Nagendra Narayan Ray.
(16) Rai Bahadur Radhica Bhusan Roy.
(17) Mr. Birendra Kishore Roy Chowdhury.
(18) Mr. W. F. Scott-Kerr.
(19) The Hon'ble Sir B. P. Singh Roy.

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THE BENGAL LEGISLATIVE COUNCIL DEBATES

Second Session—No. 5.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 5th August, 1941, at 2-15 p.m., being the fifth day of the Second Session, pursuant to section 62 (*2*) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

21. Mr. NUR AHMED (on behalf of Khan Bahadur Saiyed Muazzamuddin Hosain): (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether he is aware that the ballot boxes used during the last general election of the Assembly and the Council were defective, inasmuch as ballot papers could be easily removed from one box and put into another by any voter?

(*b*) Is he aware that actually there were rumours of such clandestine removal of ballot papers from some boxes?

(*c*) Will the Government consider the desirability of improving the ballot box in such a way that no one could take out any paper from it?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) and (*b*) Allegations of this nature were brought to the notice of Government.

(*c*) An improved design has been prepared which is undergoing further improvements.

The Gumti embankment.

22. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*a*) whether the survey work in connection with the problem of the Gumti embankment that was promised by Government to be completed in the last cold weather has been completed;

(*b*) whether now the question of final abandonment of the embankment, retaining, if necessary, a portion sufficient for the purpose of protecting the Comilla town has been examined as was decided at the conference held in December, 1939, in the Hon'ble Minister's Chamber in the Writers' Buildings; if not, when it will be examined and the question finally decided;

(*c*) whether the Hon'ble Minister is aware that this year also, there were breaches in the embankment and owing to rush of water a very large area from Fakirhat to Nayanpur extending over ten miles, was washed away and the crops destroyed; and

(*d*) whether the Government can give an approximate time-limit within which the decision of the Government regarding the Gumti embankments will be finally carried out?

MINISTER in charge of the COMMUNICATIONS and Works DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) Yes.

(*b*) No. The recommendations of the engineers of the department on the basis of the data collected as a result of the survey since completed are awaited. The question of abandonment of the Gumti embankment will be taken up for consideration after the recommendations of the departmental officers have been received.

(*c*) Yes, breaches occurred in the non-Government portion of the embankments and jute and *aus* paddy were damaged in 5 unions covering an area of 10 square miles. I may add that the latest information shows that many other unions have been affected.

(*d*) No. Much will depend, among other things, upon the decision which Government reach after consideration of the recommendations of the departmental engineers referred to in part (*b*) above.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state when was the survey completed?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I think the hydraulic and gauge readings were completed during the monsoon of 1940 and the field survey in January and February this year.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether the engineers are considering the report of the survey?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Yes, Sir.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state how many sittings were held?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: They are not having any formal sittings. This is a departmental matter. Possibly they are now collecting reports from various departmental officers, who undertook the survey.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to give us an approximate time within which the engineers will complete their report?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Very likely within a couple of months after the receipt of the departmental reports.

Appointments of Co-operative Inspectors and Auditors.

23. Rai Bahadur BROJENDRA MOHAN MAITRA (on behalf of Mr. Birendra Kishore Roy Chowdhury): Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(*a*) if the final appointments to the posts of Inspectors and Auditors under the Co-operative Department are vested in the Registrar;

(*b*) if he will consider the desirability of filling up these posts on the advice of the Bengal Public Service Commission after a competitive examination; and

(*c*) if he proposes to approach the Governor for the extension of the jurisdiction of the Bengal Public Service Commission to the appointments of Inspectors and Auditors under the Co-operative Department?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) Yes.

(*b*) and (*c*) There are rules governing these appointments. No change is considered necessary.

Jute cultivation in 1941.

24. Rai Bahadur BROJENDRA MOHAN MAITRA (on behalf of Mr. Birendra Kishore Roy Chowdhury): Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*a*) what portion of the lands used for cultivation of jute in 1940 has been used for this purpose in 1941; and

(*b*) in what way has the portion excluded from jute cultivation been utilised by the cultivators this year?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) One-third of the acreage recorded under jute in 1940 was licensed for the growing of jute in 1941. Practically the whole of this licensed area has been used for this purpose this year.

(*b*) Principally for the growing of paddy.

Extension of time for filing nominations for election to the Privilege Committee.

Mr. PRESIDENT: I find that only five nomination papers have been received for election to the Committee of Privileges. Under the rules of this House seven members are to be elected. Nomination papers have not been received from any other party except the Coalition and the Progressive Parties. Under section 19 (*2*) (*iii*) of the Standing Orders, I therefore extend the time for the filing of nomination papers till the 15th of August, 1941.

Bengal Criminal Law (Industrial Areas) Amendment Bill, 1941.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that the Bengal Criminal Law (Industrial Areas) Amendment Bill, 1941, be referred to a Select Committee consisting of—

(1) Khan Bahadur M. Abdul Karim,

(2) Mr. Khorshed Alam Chowdhury,

(3) Dr. Kasiruddin Talukdar,

(4) Mr. Kader Baksh,

(5) Khan Bahadur M. Shamsuzzoha,

(6) Mr. Sachindra Narayan Sanyal,

(7) Mr. Naresh Nath Mookerjee,

(8) Rai Sahib Jatindra Mohan Sen,
(9) Mr. J. B. Ross,
(10) Sir Thomas Lamb, and
(11) the mover,

with instructions to submit their report by the 18th August, 1941, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Mr. LALIT CHANDRA DAS: Sir, on a point of order and privilege. If my memory serves me aright, I think that when Sir Nazimuddin introduced this Bill he read out the name of Mr. Kamini Kumar Dutta for the Select Committee. But now I find that his name does not find a place in the Select Committee.

I have another point also to mention, Sir. So far as the Congress Group is concerned, it is entitled to three seats on a Select Committee and not two; but only two members from this party have been allotted seats on the Select Committee and not three, and this privilege has gone to the Coalition Party which has got one more member in addition to their usual quota. Besides, if honourable members will please look to the lists of Select Committees proposed by the Hon'ble Finance Minister in connection with his Bills, it will be seen that he has tried to maintain this ratio and the seats of different parties have been properly allotted.

Mr. PRESIDENT: As regards the first point of the honourable member, I find that his memory has not served him aright. As a matter of fact, Mr. Kamini Kumar Dutta's name did not find a place in the original notice of Hon'ble Sir Nazimuddin.

As regards the second point, as most of the Congress members have abstained from attending this House, when I was consulted by the Government Whip, I advised that the convention of having three members of the Congress Party on Select Committees would not be binding for the time being. As a matter of fact, I find that in the proposed Select Committee the different parties have been represented in proportion to their present attendance in the House.

Mr. HUMAYUN KABIR: Sir, may I make a further submission? I find that the Opposition as a whole has been allotted only three seats in the Select Committee and the representation that has been deducted from the Opposition's share has been allotted to the European Group. Now, Sir, the European Group consists of only six members in a House of sixty-five. Therefore, I fail to understand on what principle that group is entitled to a membership of two in a Select Committee of eleven. It is a fact,

as has been just now pointed out, that many members of the Congress Party do not now attend the meetings of the Council regularly. Yet, in spite of that, it has been the usual custom to see that the point of view of the Opposition is represented in such a Select Committee. I think, Sir, Government have made a definite departure from the usual convention in cutting down the representation of the Opposition to only three out of 11.

You have laid down that whenever notice of a Select Committee is given, the written consent of members in the Select Committee should be taken beforehand. I would like to know from the Hon'ble Minister in charge whether this has been done in this case, or is it to be understood that in the case of Government motions for Select Committee such permission is not required previously? These are my two points for submission.

Mr. PRESIDENT: The Chair does not know whether the European Group would like to be regarded as belonging to the Government or the Opposition, because sometimes they are found to support the Government and sometimes the Opposition. I find that in the proposed Select Committee five members of the Coalition Party have been included and five from other groups. The Hon'ble Minister in charge is not a member of the House and as such he has no vote in the Committee. Therefore, I hold the names proposed to be in order.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I do not think a long speech is necessary in support of my motion. This motion is for reference of the Bill to a Select Committee and I believe there are no amendments of any kind to my motion. The Bill has been found necessary in view of the practical difficulties which were being experienced in dealing with petty thefts from places like railways and industrial concerns of articles which are difficult to identify and generally in dealing with petty crimes in industrial areas. The Act is actually now in force in the Howrah area and it has been found rather satisfactory. There has been no opposition to it and we felt that it may be extended in certain other areas with advantage. With this object in view, this Bill has been introduced and I hope the House will agree to the reference of the Bill to a Select Committee.

Mr. PRESIDENT: Motion moved: that the Bengal Criminal Law (Industrial Areas) Amendment Bill, 1941, be referred to a Select Committee consisting of—

(1) Khan Bahadur M. Abdul Karim,

(2) Mr. Khorshed Alam Chowdhury,

(3) Dr. Kasiruddin Talukdar,

(4) Mr. Kader Baksh,
(5) Khan Bahadur M. Shamsuzzoha,
(6) Mr. Sachindra Narayan Sanyal,
(7) Mr. Naresh Nath Mookerji,
(8) Rai Sahib Jatindra Mohan Sen,
(9) Mr. J. B. Ross,
(10) Sir Thomas Lamb, and
(11) the mover,

with instructions to submit their report by the 18th August, 1941, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Mr. NUR AHMED: Sir, while supporting the motion for referring the Bill to a Select Committee, I wish to say a few words with regard to the contents of the Bill. Though the Bill appears to be very simple, some of the provisions of the Bill are not very desirable and they would mean oppression to the people if not administered properly. For example, in this Bill police officers have been given wide and drastic powers for arresting persons, in certain cases without warrant. Now, Sir, if these police officers include the constables—the all-powerful constables—there is little doubt that this power will be misused. There is also a provision in this Bill by which any person could be arrested in a dwelling house between the sun-set and sun-rise. I think that the power will be properly exercised so that there may not be harassment of innocent people.

Then, Sir, there are other provisions to deal with persons who are found with a house-breaking implement. But no definition of "house-breaking implement" and "police-officer" has been given in this Bill. However ordinary a knife it may be taken to be an implement for house-breaking and the person may be harassed whenever he is found by a constable. There are other provisions in this Bill which give wide powers to the police. Sir, I know the police do very useful work, but with all respect to the Hon'ble Minister I must point out that in spite of the introduction of Provincial Autonomy, the police think of themselves as a class quite apart from the people. They generally do not co-operate with the people even if they are willing to-operate with them. I think the Select Committee will consider these drastic provisions and will provide proper safeguards so that the powers may not be misused.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support the principle of the Bill. The honourable speaker who has just sat down drew a rather gloomy picture of the scope and effect of the Bill. I believe

that the Bill will apply only to industrial areas. Experience has shown that many thefts and similar crimes take place in these areas, and it is difficult to protect the people residing there. Many a time articles are stolen which cannot be identified, and the ownership of which cannot be determined. Sometimes people loiter at night in places or at houses where they should not be, evidently for the purpose of committing a crime, but it is impossible to prove the nature and scope of their purpose. To deal with these cases some new power is necessary. Persons in possession of suspicious articles which they cannot account for, cannot be tackled under the ordinary law and the problem in industrial areas is becoming progressively serious. The powers under section 109 of the Criminal Procedure Code have to a great extent been curtailed by certain rulings of the High Court. In these circumstances, there should be some power to check the growing crimes in these areas. The provisions of the Bill are no doubt drastic but the situation which this Bill attempts to deal with is of a very serious character, and unless an effective measure is passed it would be difficult to check this growing evil. In these circumstances, I submit that the principle of the Bill should be accepted.

With regard to a person who is in a building at night where he should not be—in an industrial area—and who cannot give a satisfactory account of himself, I think there is something very wrong with him. The mere fact that he is there and has failed to give any satisfactory account of himself would not lead to punishment but will only expose him. I do not think, Sir, that the law is needlessly drastic in this respect.

With regard to possession of house-breaking implements, they are of a well-known character—ordinary knives and other things would not come within that category. Implements of house-breaking are notorious and the possession of such implements at night would only be for some nefarious purpose. In these circumstances, I do not see that there is anything wrong in this part of the Bill.

With regard to the other clauses, the principle is all right except that there are a large number of drafting amendments which would be required.

With regard to clause 3, sub-clause (*1*), I would request the Committee to carefully revise the whole thing.

With regard to sub-clause (*2*) of clause 3, it will have to be recast entirely.

With these suggestions, I support the motion.

Mr. J. B. ROSS: Mr. President, Sir, this party supports the principle of the Bill and therefore supports the motion to refer the Bill to a Select Committee. Sometime ago, I think in March last, the

Indian Mining Association had occasion to make representations to Government in reference to the very large number of thefts of metals, such as, brass, copper, steel, etc., which took place at collieries in Bengal, with the suggestion that the Howrah Police Act should be extended to Asansol subdivision. Under the present law unless a colliery manager is able to identify materials in the possession of a thief as stolen from his colliery, it is very very difficult to bring the culprit to justice. We feel that the Bill which is now before the House will serve to do this and we think that under the present condition there is every justification for a legislation of this nature.

There are one or two points to which I would like to draw the Hon'ble Minister's attention. One is that in the Statement of Objects and Reasons it proposes to apply the Bill in the first place to the railway workshops at Kharagpur, Kanchrapara and Chittagong. But I understand it is Government's intention to extend the scope of the Bill to the Asansol subdivision.

Now, in regard to that point, if the Bill is applied only to the colliery areas of the Asansol subdivision, many small collieries in the Bankura, Burdwan and Birbhum districts would be excluded from the operation of the Bill and there will be nothing to prevent depôts for stolen goods being set up close to the colliery area but outside the area to which the Bill would be applied. I should like to draw the attention of the Hon'ble Minister to that aspect of the matter. I may say that the Indian Mining Association in order to meet the same difficulties which will arise on the boundaries of Bihar and Bengal adjoining the collieries have requested the Government of Bihar to introduce similar legislation and we have been advised by that Government that the request is now receiving their consideration.

The second point on which this party feels that change is necessary is that the penalties prescribed in clause 3 of the Bill are hardly drastic enough. We suggest that these penalties should be increased to a fine of Rs. 100 and an extension of the maximum term of imprisonment to six months and also, just as there is a provision in section 54 (*a*) of the Calcutta Police Act of 1866, the imprisonment should be with or without hard labour. We feel that the profits which can be derived from the theft of colliery materials are such that imprisonment for three months or a fine of Rs. 100 is hardly a sufficient deterrent.

With these few words, Sir, I support the motion before the House.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I may frankly confess to the House that before bringing forward this Bill I had a great deal of hesitation, because to a certain extent I agree with some of the criticisms levelled against the Bill by Mr. Nur Ahmed. The Bill does certainly give drastic powers to the police, and it is also

possible that they may be abused; but at the same time if in the Select Committee we consider these points carefully and try to avoid some of the dangers anticipated by honourable members, then the Bill may be improved. We may also, so far as the department is concerned, take some action against the misuse of the Bill. We may review the working of the Act after six months or one year, to see if there has been any injustice done to people against whom action may be taken under this Act,—whether there has been any case of flagrant abuse,—and then in the light of those facts we may modify or amend the Act. But in view of what has fallen from Khan Bahadur Naziruddin Ahmad and Mr. Ross, I feel that it is a Bill which ought to go to the Select Committee, so that after due deliberations there it may come up to this House in a form which will be acceptable to everybody. I also feel that the question that has been raised by Mr. Ross regarding the extension of the scope of the Bill can also be dealt with in the Select Committee, where we may decide how we can give relief to the mining areas. As, however, I find that there is general support to this Bill, and no amendments have been tabled to my motion, I do not wish to add anything more at present.

Mr. PRESIDENT: The question before the House is: that the Bengal Criminal Law (Industrial Areas) Amendment Bill, 1941, be referred to a Select Committee consisting of—

(1) Khan Bahadur M. Abdul Karim,

(2) Mr. Khorshed Alam Chowdhury,

(3) Dr. Kasiruddin Talukdar,

(4) Mr. Kader Baksh,

(5) Khan Bahadur M. Shamsuzzoha,

(6) Mr. Sachindra Narayan Sanyal,

(7) Mr. Naresh Nath Mookerjee,

(8) Rai Sahib Jatindra Mohan Sen,

(9) Mr. J. B. Ross,

(10) Sir Thomas Lamb, and

(11) the mover,

with instructions to submit their report by the 18th August, 1941, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

(The motion was agreed to.)

The Bengal Touts Bill, 1941.

The Hon'ble Nawab MUSHARRUFF HOSAIN, Khan Bahadur: Sir, I beg to move that the Bengal Touts Bill, 1941, be taken into consideration.

I do not like to make any long speech in moving my motion, as I understand that many honourable members are desirous of speaking. So, I simply move my motion.

Mr. PRESIDENT: Motion moved: that the Bengal Touts Bill, 1941, be taken into consideration.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support the motion. Touts are a great nuisance to the court; they also infest various other places, and the present Bill attempts to deal with them.

Previous attempts to deal with them have been rather half-hearted and in any case not successful. In this case the Hon'ble Minister in charge of the Judicial Department has attempted to tackle the problem on a larger scale. There are touts in Registration offices, there are touts in Workmen's Compensation offices, in the offices of Debt Settlement Boards, Union Boards and other places as well as in courts. The Bill is very comprehensive and aims at improving the existing state of affairs in these directions. There are touts, of course, in various other places, as one of my honourable friends just now suggests, and I think that the Bill will be extended in its scope so as to embrace all kinds of touts, not only touts in the offices and courts mentioned, but in other places as well. With these few words, I support the motion for consideration.

Mr. NUR AHMED: Sir, I rise to support the motion for consideration of the Bill. This Bill if it becomes law is expected to confer a great benefit on the country. Toutism has been growing enormously recently. Touts are eating into the core of the nation and they have become a veritable nuisance to human society. Everywhere the touts are exploiting the innocent people. They are responsible for the wastage of money, for the wastage of energy and they are the cause of increasing litigation and of causing delay in every way. So, Sir, this Bill I find is very comprehensive: it deals with all aspects of toutism. But I find one omission in this Bill. Some loophole has been left out for the work of the tout. I know it is very difficult to nip this evil in all possible ways. But the loophole should be removed and the Bill made as perfect as possible, so that it may serve the purpose for which it is being enacted.

In conclusion, Sir, I congratulate the Hon'ble Minister for bringing this useful measure before the House. With these words, I support the motion.

Mr. KADER BAKSH: Sir, I also whole-heartedly support this motion. Everybody who is connected with the legal profession in the mofussil areas knows fully well the evil influence created by the touts on the general public. In the past there had been attempts to restrict the mischievous activities of these people but as real power was not given to do this, the Bar Associations and other institutions could not do anything in the matter. I may say in this connection that when any such movement was made in the past it was hotly criticised by various bodies. Activities of the touts do a lot of mischief to the litigant public. So this is a move in the right direction and I congratulate the Hon'ble Minister in charge for bringing forward this piece of legislation.

Khan Bahadur M. SHAMSUZZOHA: Sir, I also support the motion for consideration of the Bill. At the same time I have to point out that by the passing of the Agricultural Debtors Act as well as the Village Self-Government Act much of the work of the Munsiff court has been transferred to the Union Boards and the Debt Settlement Board where lawyers have been prevented from attending and helping those people who are in need of their help in the way of drafting petitions, etc. In view of this, I hope that when the Bill will be taken up, these points may be considered carefully. Difficulties have been experienced on account of depriving those people of the help of lawyers who can render them the required assistance. So legislation on this point does not seem to me to be complete. I trust that a remedy will be devised for curing this defect and a machinery may be created to enable the litigants who go to the Union Boards and Debt Settlement Boards to get legal assistance. With these few remarks, I support the motion.

The Hon'ble Nawab MUSHARRUFF HOSAIN, Khan Bahadur: I am glad to see that the measure which I have proposed has the support of every section of the House. There are just one or two points which my friends might have in their minds and I may tell them that so far as this small piece of legislation is concerned, it gives power to the courts to restrain the activities of those people who are becoming a nuisance to the courts. But by that it is not intended that all courts should cease to function by reason of disallowing people who might be of real assistance to the courts to discharge their legitimate work. Power has been given to the courts and offices and the Boards only to restrain the action of a certain class of people, but at the same time to

see that the work of those courts and offices are not hampered in any way. So they will regulate the affair in such a manner that it may not do any mischief in the direction of stopping the work of these courts and offices. I hope when the Bill is discussed, clause by clause, my friends will find that the provision that has been made by us will satisfy all the tests that my friends would like to impose, and I hope that my present motion be passed without any division.

Mr. PRESIDENT: The question before the House is: that the Bengal Touts Bill, 1940 (as passed by the Assembly), be taken into consideration.

(The motion was agreed to.)

The Bengal Agricultural Debtors (Second Amendment) Bill, 1940.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg move that the Bengal Agricultural Debtors (Second Amendment) Bill, 1940, as settled in the Council, be passed.

Mr. PRESIDENT: Motion moved: that the Bengal Agricultural Debtors (Second Amendment) Bill, 1940, as settled in the Council, be passed.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I support the motion. While doing so I must say that the Bill has been much improved in this House. Some very radical changes have been made and drastic improvements effected.

With regard to the places where improvements have been made, they are these. Sub-section (*1*) of the proposed new section has been improved by removing a lacuna—and *bonâ fide* leases have been protected. In sub-section (*2*) there was a lacuna which has been filled up by an amendment on behalf of the Government. This section will apply and the Boards will function in spite of the fact that five years have passed since the inception of the Board because, under the Act the Boards could last only for five years. There was no provision in the Bill to prolong the life of the Boards beyond five years—that lacuna has been removed. Now with regard to sub-section (*4*), much improvement has been effected by the creation of some provisions relating to *bonâ fide* mortgagees. These mortgagees were not thought the Bill before. There would have been a great deal of injustice for want of a provision relating to them. Suppose, a decree-holder bought a property in auction sale. Suppose again that he then mortgaged it to a third person. Suppose again that the sale is reopened under this Bill. In such a case, the mortgagee would be without a

remedy. An elaborate provision has been made in sub-section (*5*) that the debtor would pay his dues to the decree-holder but since the decree-holder has mortgaged the property to a third person, the amounts which would be payable to the decree-holder would now be payable to the mortgagee so long there is the mortgage debt. This is, therefore, a great improvement.

Proposed sub-section (*5*) has been re-written and clause (*b*) is an improvement. It is the provision of the payment of landlord's rent. There might be great deal of difficulties in the realisation of rent in the interregnum. This has been introduced as a result of the activities of several members, particularly that of Khan Bahadur Muazzam-uddin Hossain. A new proviso dealing with mortgagees has been added. Though I had the honour of moving the amendment, that indefatigable gentleman, who is not present in the House to-day, is responsible for this amendment. A new sub-section 5(*a*) has been introduced by Government and this is a very wholesome provision. A decree-holder having got the property in a sale might have effected improvements on the property. Now, if he is asked to return the property without being compensated for the improvement, it would result in a considerable amount of injustice. So the provision of sub-section 5(*a*) has been made. I submit, however, that in drafting this amendment, to be precise, in defining what may be taken to constitute improvement some omissions have been made and they could not be made better for want of time. An "improvement" is, as I understand it, an ordinary improvement which permanently improves the value of the property but instead of saying this, the Bill enumerates only a few items of improvement such as construction of house and walls. It is well-known that improvement could be effected by various other means. For a clear conception, a reference may be made to section 76 of the Bengal Tenancy Act.

Then with regard to sub-section (*6*). It has been entirely redrafted and it is a great improvement. It takes into account certain circumstances introduced in the new sub-section 5(*a*).

Then we come to sub-section (*7*), where some provisions relating to the under-*raiyats* have been made.

Then as to sub-section (*8*). An important provision has been made here that the tenant who got his property back has been enjoined not to transfer his property so long as his liability lasts. If he does this, then his transfer will be void. There was no provision like this before. The effect of this would have been that the debtor, after having paid one or two instalments of his dues, would sell the property to a third person after getting full price for his property and go away from the

picture leaving the decree-holder without any remedy for such purchaser would not have been bound by the award while the debtor, by his transfer, would perhaps have made himself an insolvent. This lacuna has been cured here.

Then we come to sub-section (*9*). It is a drafting improvement and there are some other improvements of a drafting nature.

While, however, we must maintain that the Bill is a great improvement upon the one that came to us, it must also be submitted that much remains to be done to make it complete and perfect. We must state outright that this could not be done for sheer want of time for, although, apparently, we had a long time to deal with this matter, yet, as a matter of fact, the time at our disposal was extremely short. Considering the complexity of the subject, the time at our disposal was indeed inadequate. You will be pleased to remember, Sir, that the Bill was introduced in another place and was passed in another place long ago—sometime in September last year. The Bill soon came up to this House, but while it was being shown on the Order Paper from day to day, it was introduced only at a very late stage in the last session. It was introduced at such a late stage that it was impossible for us to give proper notices of amendments and I remember my honourable friend Mr. Humayun Kabir raising serious objections —and very genuine objections—to the Bill being taken up during the last session. So, the consideration was postponed. Now, as the holidays intervened, and some of us had to earn a living, we forgot our pre-occupations in the Council. So, when this matter came up again, we had to begin our work anew. Amendments began to come in and then it was found that there were serious gaps and lacunæ and they had to be considered carefully. At that late stage consideration is apt to be hurried and, for some of us, it was too hurried and, in the circumstances, we did the best that could be done.

Now, Sir, in considering the various suggestions made in the course of the discussion, one thing has struck me, and it is this: that at the time when Bills are brought forward, the scheme of the Bills and the various component parts thereof—I may say with due respect—are not taken care of. Bills are drafted with some fine ideas. The details are not worked out well and there are gaps and omissions and inconsistencies. And when it goes to a Select Committee, some very new ideas are put in and, instead of considering the total effect of those new ideas upon the Bill, instead of rewriting the Bill or the clauses, insertions are made here and there, thus making the Bill more cumbrous while leaving lacunæ. And, when the Bill comes before the House, still more insertions are made and the matter is made more and more unintelligible. It seems to me, Sir, that amendments to Bills should not be made in this way. The

entire idea in connection with a Bill should be thought out and worked out beforehand and if any reconsideration is to be made and new ideas are to be incorporated, it should be done by rewriting the whole thing. And when a cumbrous Bill comes to us, we, for various practical reasons, cannot effect all the improvements we desire. To a certain extent we succeed, but to a great extent we fail. Yesterday, unfortunately, I had to move one or two amendments with defective draftsmanship for which I was not responsible. Fortunately or unfortunately, I am present at all the party meetings and, when any draft is finally approved by the department, I, being one of the persons present, am often requested to give notice of and take the responsibility for last minute amendments which are not mine. We have to make a sacrifice and volunteer to take the responsibility for others' drafts in the emergency. My honourable friend Mr. Kader Baksh raised an objection with regard to one such amendment on the ground that the drafting of the amendment was clumsy and extremely complex. I do not doubt the propriety of his remarks. They were, to a great extent, true.

The members of the Debt Settlement Boards have been given wide powers and I cannot help feeling that the original Act has been made cumbrous and difficult by this Bill and the working of the amended Act will be made specially difficult, especially as the members of the Debt Settlement Boards have no legal knowledge, and the only legal knowledge available to them would be one supplied by touts. It is hoped that the evil influence of the touts will be eliminated if the Tout Bill—recently introduced—is passed. Then, Sir, these Boards have the Circle Officer as their Advocate-General, whose interpretation of the Act may not be perfect and he has a large number of clients. In these circumstances, Sir, the amended Act will be very difficult to work for those people who would not understand it. I hope, Sir, the Hon'ble Minister in charge will issue specific and simple departmental instructions—detailed and ample instructions—and the effect of these instructions would, I fear, be to disregard the law and to follow the departmental instructions which will be more intelligible and helpful to them. In these circumstances, I submit, Sir, that in future Bills should be drafted a little more carefully. I have a growing feeling that we are failing in our duty in this respect. It seems to me that the process that has been followed thus far in improving the Bill is like this: a gentleman makes a watch—like the first draft of the Bill—and shows it to several gentlemen. One gentleman says that the watch must indicate the day of the month: the watchmaker agrees and adds this new device to it. Then he shows it to another gentleman. He says that the watch should strike hours and half hours: the watchmaker readily agrees and adds this to the watch. He then shows it to another who says the watch must talk and a talking device is added to it.

Then the watchmaker goes to a musician who says that the watch must sing and a singing device is added to it. Then, Sir, the watchmaker goes to another gentleman—my friend Mr. Lalit Chandra Das perhaps —and he says that the watch should dance and a dancing device is also added to the watch. So, in the end the mechanism is rendered so cumbrous that it does not work. Similarly, like this hypothetical watch the Bill, by gradual additions, has been made more and more complex. So, we should have a comprehensive picture of the subject before drafting a Bill. If we do so, there will be no difficulties at all. In a building we are committed to a plan and we must make additions and few alterations. But in a Bill we can always rewrite it when we introduce new ideas. But the process hitherto followed is insertion of long passages here and there. Thus, our Bills become heavy and cumbrous and often incongruous. We have repeatedly made these suggestions on the floor of the House and explained our difficulties and although we were given repeated assurances, practically nothing has been done in this direction and no improvement has been effected in the situation. But we are indefatigable in this respect. We again suggest that Government should take particular care to produce better drafts. It is no good drafting a bad Bill and then improve upon it. The Bill must be workable: what is more, the language of the statute should be simple and clear. All these are lacking in some of the Bills of some of the departments. With these few remarks, I support the third reading of the Bill.

Maulvi ABUL QUASEM: It has been a novel experience to me, Sir, to listen to the speech just delivered by my honourable friend Khan Bahadur Naziruddin Ahmad. He has, I may say, with great respect to him, read a homily on the subject of drafting Bills. I should suppose that from the way he has spoken and from the pains he takes to improve the drafting of Bills he is a master of the art. Well, Sir, I hope that the Government would try to utilise his services not only on the floor of the House but before the Bills are actually brought before the House. That probably would obviate many of the errors complained of against drafting of Bills.

One remark of his has taken my breadth away. He asked the Government in so many words to disregard the provisions of what he calls this cumbrous and unintelligible Bill and to issue departmental instructions to make the meaning of the Bill clear. I hope and trust, Sir, that Government would not take his advice in this respect. I know, Sir, from experience that one circular was issued over the name of the Departmental Secretary in connection with a particular section of this particular Act (I had occasion to deal with it in the High Court), but the High Court took a different view altogether. That circular was ultimately withdrawn. I hope, Sir, that after the experience of that

circular Government will be doing no such thing. Now, it has been supposed that only members of Debt Settlement Boards will be concerned to interpret and apply the provisions of this Bill. The fact has been ignored that there is provision for a judicial officer who is to act as special appellate officer to revise the decisions of the Debt Settlement Boards. Now, if this Bill is misunderstood and misapplied, there is the Appellate Officer to revise. There is also the District Judge with special powers. One should not throw gibes at the people who are not in the legal profession and yet have been asked to do the work of these Debt Settlement Boards, men who are guided by common sense, men who are expected to bring the debtor and creditor together and bring about an amicable settlement. They certainly are not concerned with the legal technicalities. Much gibe has been thrown at the draftsmanship of this Amending Bill. Well, Sir, from the nature of the case I should think that these clauses had to appear cumbrous. You have to make provisions for certain cases which could not be simply and briefly provided for. To give expression to legislative provisions which are difficult and complex in nature requires a thorough understanding of the subject and mastery of simple, perspicuous English. I, for one, cannot claim to be a master of English, and I would ask those who throw such cheap gibes to produce better drafts.

Khan Bahadur NAZIRUDDIN AHMAD: It can be done very easily.

Maulvi ABUL QUASEM: I hope Government will take note of my suggestion. There may be errors on the part of draftsmen, but to say that the whole thing has been cumbrous and ugly is to condemn unjustly people whose business is to draft Bills. However, Sir, Government should not issue any circular on the line suggested by my honourable friend. He has also said that the members of Debt Settlement Boards do not know their business and that the Bengali translation of the Act will not be intelligible to them.

Well, after all this Bill is meant for a particular purpose—it is to bring about an amicable settlement between the debtor and the creditor. The Debt Settlement Boards have experienced many difficulties and many uncomplimentary things have been said against them; but it is only fair to recognise that they have done valuable and commendable work. We as legislators should recognise and appreciate that work and not throw cheap gibes at them in this fashion.

Mr. NUR AHMED: Sir, with your permission I wish to say a few words on the provisions of the Bill. This Bill is a very small Bill, practically it contains one substantial clause, but it has taken three sessions to get it passed in this House. This Bill appeared on the

Order Paper several times in the last two sessions and whenever this Bill came up for discussion the Hon'ble Minister, with all respect to him, wanted extension of time saying that he was not prepared to proceed with the Bill. So, though there was a great demand for this Bill, unfortunately, there was greater delay in getting it passed. Sir, I did not know then what was there that prevented the Hon'ble Minister from moving this Bill when it had first appeared on the agenda but I now understand it. My honourable friend Khan Bahadur Naziruddin Ahmad has already said that this is a very complicated Bill and indeed it is so. The members of the Debt Settlement Boards have got to work very hard in deciding a case according to the provisions of this Bill and I find that additions have been made in this Bill curtailing the relief to be given to the debtors. This Bill was meant for the unfortunate debtors who have lost their properties under certain circumstances and I find that as a result of the amendments adopted in the House they will be deprived substantially of these rights. There are certain conditions under which they can go to the Debt Settlement Boards for redress but these conditions have been so much widened that practically in case of any alienation, the debtors will have no remedy. In the name of valuable consideration everything has been kept in tact. So, what is left after that I fail to realise. I think that there remains little after that. Some extraneous matters have been introduced—as regards drafting of the Bill, working of the Debt Settlement Boards, etc. Then there is the question of draftsmanship. I asserted on more than one occasion that I do not know English very well, so I am not in a position to find out the defects in draftsmanship. Fortunately, we have found our learned friend Khan Bahadur Naziruddin Ahmad who is an expert in this matter of drafting and according to him this Bill and its amendments have been very badly drafted. But the Khan Bahadur made a statement yesterday—of course I speak subject to correction,—wherein he asserted that the amendments to this Bill have been very carefully drafted but yet to-day I hear that the amendments moved by him are badly drafted. I do not know which of these two statements are to be accepted. Another honourable member who was a member of the old Legislative Council and who occupies the position of a Public Prosecutor of Dinajpore has remarked that this Bill has been made very cumbrous and clumsy by the amendments moved in this House. My friend Khan Bahadur Naziruddin Ahmad makes conflicting statements; in the first part of his speech he said that the Bill has been greatly improved but at the end of his speech he condemned the Bill as strongly as possible. I do not know why he made these two different statements. This Bill, as it has now emerged from this House, is, in my humble opinion, an excellent Bill and will be very beneficial to the people for whom it is meant. With these few remarks, I support the motion that the Bill be passed.

Mr. J. B. ROSS: Mr. President, Sir, I rise to support the third reading of the Bill but I am afraid I do so with some reluctance. My Party had tabled certain amendments, all of which with one exception were accepted. The one which was not accepted was designed to give effect in the Bill to the aim which was expressed by Government in the Statement of Objects and Reasons. The only reason that I can think of as to why this amendment was not accepted by Government is the growing tendency of the Coalition Party towards predatory legislation having retrospective effect. Now, legislation which has a retrospective effect, if practised by Government, can only have the effect of upsetting the whole social structure of the province. It is a practice which we should condemn emphatically and unequivocally, and I do so now on behalf of this Party. The original date after which properties sold would come under the operation of this Bill was the 9th of April, 1936, the date on which the Bengal Agricultural Debtors Act became law. That was altered in another place to the 12th of August, 1935, that is, the date on which the Bengal Agricultural Debtors Bill was published in the *Calcutta Gazette* for the first time. Now, the object of our amendment was to confine the operation of the Bill to sales of property made in any proceedings instituted after the 12th of August, 1935, that is, the first occasion on which, unless there has been some leakage of information any decree-holder or creditor interested in a property would have reason to attempt to rush proceedings through in order to force the sale of property in which he was interested.

The effect of leaving this amendment of ours out is merely to rope in—a growing tendency which I have noticed on the part of some members of the Coalition Party—certain people who had been able in the ordinary course of events to obtain decrees long before the text of the Agricultural Debtors Bill was published in the gazette. Yet because the properties were not sold until after the date of that publication, the decree-holders are roped in and compulsorily forced to finance their former debtors for another 20 years. It seems to us that this is entirely wrong. I warn the Hon'ble Minister and the Coalition Party that in future any attempt by Government to introduce legislation which has retrospective effect will be strongly resisted by this Party.

Mr. HUMAYUN KABIR: Mr. President, Sir, I find that I am to a great extent in agreement with all the speeches which have been delivered this afternoon on the third reading of this Bill and also with what has been said by different speakers, and this in spite of the apparent quarrel between two prominent members of the Coalition Party. I think the quarrel is after all a sort of domestic quarrel and one should not take it seriously.

Before I proceed to deal with the Bill in detail, I would congratulate the Hon'ble Minister who has had the good fortune of piloting this Bill. With the general purposes of the Bill I am in agreement, and if we have any quarrel, it is with regard to certain particular details and the way in which an important legislation like the present Bill is being effected.

Sir, before I discuss the details of the Bill, I would like to say a few words with regard to the remarks of the last speaker. I agree with him that there may be cases where retrospective effect would not be desirable. But I do not agree when he says that retrospective effect is not at all necessary. There may be cases where retrospective effect to a particular legislation is necessary. All that might be said about the sanctity of contract or the value of contract is governed by the guiding principle, namely, the greater interest of society. All contracts take place within the precincts of the society and if there is anything harmful to society in the law of contract, the society has a right to remedy them or to alter them. "Mend them or end them" is often said in regard to a particular contract. That is a principle which is well recognised by prominent political philosophers and legislators of the country of the honourable speaker. I need not dilate on this point now, as I know this question will come up before this House shortly when it will be discussed in greater detail. With regard to the law of contract, I may mention the name of the great authority, Thomas Hill Green. He has definitely said that the law of contract is a good enough argument for a particular state of affair, but when welfare of the society is concerned the law of contract must go. We must follow the principle which has been enunciated by Thomas Hill Green. But that is a matter into which, as I have said, we may have to go in detail shortly in this very House.

With regard to this particular Bill, I agree to a large extent with what Khan Bahadur Naziruddin Ahmad has said. The object of this Bill is good in spite of defects in the draftsmanship. My friend Mr. Abul Quasem has been pleased to say that the draftsmen had to work under very great difficulties, and they did their work in the best way they could. It is far easier to find fault with a draft than to actually draft a Bill. But in spite of these extenuating circumstances, the fact remains that the Bill could have been drafted in a better way and Government have shown half-heartedness with regard to this Bill.

As was said by Mr. Nur Ahmed, this Bill has been brought before the House 3 or 4 times, and when it was suggested that the Bill might be referred to a Select Comimttee in view of the acknowledged defects in the drafting of the Bill, in view of the acknowledged complications involved in it, Government opposed that suggestion simply because they said they wanted to take up the Bill immediately. But what happened actually? The Bill was postponed from day to day, and

from session to session. The result was that due to this obduracy on the part of Government, the Bill was put in cold storage for more than six months. I have no doubt whatever that if this House had sent the Bill to a Select Committee, within a very short time it would have been licked into shape.

Again, Sir, my honourable friend has said—Government very often have good intentions. People with good intentions, good intentions which are not backed by competence, which are not backed by planning, which are not backed by proper execution of those intentions, very often prove more harmful than people who have no intentions at all. Even the path to hell is paved with good intentions. Therefore, if Government have good intentions and in this Bill are really trying to do good to a very large section of the people, Government have yet to plead guilty to the charge of half-heartedness and lack of sufficient care. As was pointed out, this Bill was thrashed out in another place and still it came to this House in a condition in which the Government itself was not ready to proceed with this Bill. Time after time the Hon'ble Minister presented the miserable spectacle in getting up and saying "I am not yet prepared to consider the Bill", "Government are not prepared". That, I think, is a matter for which the Hon'ble Minister cannot feel proud—that is a matter for which Government cannot take credit.

Many of such defects can be remedied if the total legislation which the Government want to undertake is planned ahead. If they visualise the rural economy of Bengal as they want it to be in future, and if after planning in the proper manner they take up legislation, then, Sir, I think all these difficulties will not arise. What they actually do is this: Something must be done; this is something, and therefore they do it. This is hardly effective or intelligent. And yet, it seems to be the policy of Government on very many occasions.

I would, Sir, suggest a practical course for the consideration of Government. If they proceed by consulting the Legislature before Bills are actually framed, they may do so by having small committees. This happens in other countries, and Parties in power have their own rule-framing and legislative committees. I do not for a moment suggest that Government should have the members of the Opposition in such Committees if they do not want to, though I do not see any reason why in matters of common interest to the province as a whole there should be any sort of suspicion on either side. But if Government have that suspicion, they might at any rate have a small committee of their own supporters. If they ask these committees to make concrete proposals for the consideration of Government and actually plan the legislative programme in the light of their suggestions, if this is done, I think a great deal of the criticisms which the Government have to face will not in future take place.

Sir, there is a second suggestion I would make for the consideration of Government. In very many cases, we have found that a Bill has been considered in great detail in another place, and then it has come here. We have yet felt the necessity of either referring it to a Select Comimttee or of tearing it to pieces or of substituting whole clauses of the Bill by new clauses. Now, Sir, in many cases it would be an economy of labour and time and economy of the very valuable money of the public of Bengal if such important Bills are referred to a Joint Select Committee of the two Houses. In many cases, if there is such a Joint Select Committee of the two Houses, most of the difficulties would have been thrashed out. I would ask Government to consider seriously these two suggestions, viz., that the Government should have a committee of their own on different subjects, there are such committees in other countries,—financial committees, committees which plan legislation on public health, committees which plan and advise Government on issues of education and so on. This would help Government very largely. I do not suggest that they should refer to a Joint Select Committee of the two Houses every Bill, but when there is a Bill affecting the lives of a very large section of the people of the country, it is desirable that it should go to a Joint Select Committee, where it can be examined with far greater care and attention than is possible in either House.

But, Sir, more than one speaker has to-day mentioned that supporters of the Government have appealed again and again and they have been promised and very often they have been disappointed in their promises. If I may refer to my honourable friend the last speaker, there have been many who have warned the Government again and again and yet these warnings have been of little effect. Equally vain have been the many appeals made from the members of the Coalition Party. Because their supporters appeal and appeal and appeal once again and in spite of their many disappointments still go on supporting Government, Government may think that the warnings of their supporters are not seriously meant and they may not take any notice of the warnings and appeals. But if they ignore all appeals and warnings, they might one day find that they have made a mistake in neglecting these warnings and these appeals once too often.

Khan Bahadur M. SHAMSUZZOHA: Sir, with regard to the remark made by the leader of the European Group that there has been a tendency on the part of the members of the Coalition Party to have recourse to restrospective legislation, I would like to illustrate the point developed by my honourable friend Mr. Kabir and refer to the history of the legislation of the Bengal Agricultural Act of 1935 and the economic condition of the peasants of Bengal then prevailing. Sir, it is an accident that a vast majority of those who are producers of the

agricultural wealth of Bengal are Muslims,—a fact which exposes anything that we, the members of the Coalition Party, want to do for the betterment of the lot of the cultivators of Bengal, to uncharitable construction. I think my friends will be convinced that having regard to the condition that prevailed just before the passing of the Bengal Agricultural Act of 1935, it was absolutely necessary in the interest of national prosperity and national welfare to protect those who are the real producers of agricultural wealth and to introduce an Act like the Act of 1935. A reference to the economic condition that was brought about by the economic crisis in Bengal in 1930 will convince my friends that such an Act was absolutely necessary.

Sir, the Contract Law was passed in 1872 or sometime afterwards. And according to the Contract Act parties to contracts are more or less on the same level enjoying the same privileges. So, in 1932 when this economic crisis fell upon the people of Bengal, when it was almost impossible for them to bear it any longer, then in order to give relief to the agriculturists and debtors the Act of 1933, sponsored by Mr. Azizul Haque (now the Hon'ble Sir M. Azizul Haque) was passed. But in that Act also substantial relief could not be provided for. People could not avail themselves of the relief in spite of the salutary provision in that Act, because they were so much economically backward and impoverished that they could not take advantage of those provisions in the Act. Many sales took place, many persons lost their holdings. So, Government were fully convinced that it was high time that there should be some legislation to check all these things. And the result was that in 1935 this legislation was undertaken and passed afterwards.

Now, Sir, the Coalition Party cannot be accused that it has been longing for such legislation. This legislation was resorted to long long ago before we could think of coming to the Legislature. Therefore, the principle had been already accepted. Now, getting scent of this legislation—the provisions of this Bill were published on the 12th August, 1935—the decree-holders had their decrees executed and many sales took place. Many people, therefore, became homeless, and men who used to maintain their families became wage-earners and they did not even get any work to earn their living. That was the position, Sir. Coming as I do from the district of Nadia, I know that during the years 1933, 1934 and 1935, many holdings of *raiyats* and under-*raiyats* were sold and many fields which used to yield crops remained fallow for a certain number of years, and it was only during the last three or four years after some relief was given to the people that these fallow lands became cultivated. Many zemindars who used to get, say, a large amount of rent, could not realise their rents, because after the zemindars had got those holdings sold in execution of court decrees, there was none to take any settlement of those lands. This, Sir, was the position to which the whole society was exposed. Now, for the sake of society, for the sake of the good of the people, we attempted to give this retrospective

effect, and it is only doing a bare justice and is the minimum which should and ought to be done. With these few words, I commend that this motion be accepted and I may also remind my friends that they have got a duty to do unto the society and the people who are really the producers of the wealth of Bengal, and of India.

With regard to drafting and also with regard to the great difficulty we have been generally experiencing in the matter of amendments, I may state that in the Statement of Objects and Reasons of the present Bill it is definitely stated that it is a Bill meant to facilitate the restoration of properties to the people who lost them, but in the provisions made in the Bill we find that the Hon'ble Minister in charge of the Bill thought that the extinguishment of rights could be brought about only by sale. That was the fundamental mistake the Hon'ble Minister made, because extinguishment of rights, that is the transference of right may be brought about by sale as well as by other means. In case of usufructuary mortgages, anomalous mortgages and mortgages by conditional sale, extinguishment of right takes place by decree of foreclosure. In simple mortgages sales take place in Civil Courts but in mortgages by conditional sale, anomalous mortgages and usufructuary mortgages, Courts do not and cannot hold sales but title is extinguished by order or decree of foreclosure passed by the Court. It is unfortunate that the Hon'ble Minister in charge of the Bill has lost sight of this very fundamental point while putting up this amending Bill. If in this Bill the first clause could be drafted in this way, namely, that when the property of any person has been sold or has been extinguished by a decree or order of foreclosure, we should have been able to give relief in a large number of cases, but now we find that because of this lacuna, a large number of people will be denied that barest justice for which we have been labouring all these years.

Now, Sir, this is one of the glaring instances in which I submit that the sponsor of the Bill has made a lamentable mistake. The amendment given notice of by me to cure this mistake could not be moved as it went beyond the scope of the Bill and you were pleased to rule it out. In the Bengal Tenancy Act also I moved an amendment and you were pleased to rule that out of order also; but ultimately complications arose and the consequence was not very palatable. The message of His Excellency the Governor had to be brought to give the necessary relief. I therefore join with my friends who said that there should not be any lacuna when Government introduces any new measure in future. With regard to this legislation, I would request the Government to appoint some committees as suggested by my friend Mr. Humayun Kabir and at that committee the principle should be discussed and then the final drafting should be made. With these words, I support the third reading of the Bill.

Mr. KADER BAKSH: Sir, I will say only a few words in supporting the third reading of the Bill. As I said yesterday, the Bill is really cumbrous. But it is salutary on other grounds.

Then, Sir, with regard to the objection raised by Mr. Ross, the leader of the European Group that retrospective effect should not be given, I may say that in a Bill like this relief should be given to the people who form the backbone of the country, as proposed in this Bill. It is certainly not an unpardonable offence if the rules are relaxed in special circumstances. There are circumstances when hard and fast rules have to be relaxed, if necessary. This is a fit occasion to relax the rule and the relaxation has been made quite properly.

With regard to the suggestion of my friend Mr. Humayun Kabir, I am at one with him. If his suggestions are accepted, much time and money would be saved. Many changes have been made in the original Bill which have caused delay and loss of energy. I hope the suggestions thrown out by my friend Mr. Humayun Kabir may be taken note of. We have made such appeals in the past times without number but they have not been heeded to. I think time has now come when these suggestions and appeals should be taken note of and acted upon which will save much time and money.

Now, Sir, the language, the drafting and the method of calculations under those proposed changes are, I think, cumbrous and could have been avoided had there been a committee formed to go into the question of drafting. Though, Sir, I am not at all satisfied with the language —and I still insist that it is cumbrous—I do support the third reading of the Bill.

Khan Bahadur ATAUR RAHMAN: With your permission, Sir, I want to say a few words. I just want to draw the attention of the Hon'ble Minister to the suggestions already made by previous speakers regarding a committee being appointed for considering the principles on which amendments of any legislation are to be proposed in the Legislature. This enactment will do good to one section of the cultivators. They will no doubt be very much benefited. This is a very well-thought-out law, but it does not go all the way it should have gone. On my suggestion my friend Khan Bahadur Saiyed Muazzamuddin Hosain proposed an amendment but unfortunately this could not be given effect to because it was beyond the scope of the Bill. If some members of this House had any hand in giving the idea of amendments of this law before it was introduced in the legislature, possibly the Hon'ble Minister would have taken the clue from their advice and introduced the other part of amendment which we wanted to make. By this enactment we are giving relief to the poor cultivator whose property has been sold as a result of a decree against him. But I think the Hon'ble Minister also knows, as he also comes from rural area, how

the poor cultivators have been harassed by their creditors and robbed of their property by the so-called voluntary sale. I wanted to give relief to such class of cultivators also. When the original Agricultural Debtors Bill was on the anvil there had been many cases since 1935 in which the cultivators had to part with the land in voluntary sale by execution of sale deed on a nominal price or by accumulation of interest on the principal which was more than treble. In such cases the tenant should have got relief under this Act. But unfortunately this could not be provided for in the present amending Bill at this stage. I would request the Hon'ble Minister to bear this in mind and to introduce a legislation in the near future on these lines.

As to the remarks of our honourable friend Mr. Ross, there has already been much criticism by other members and by a very able speaker like Mr. Humayun Kabir. So I need not dwell much on the subject. One who has got some idea or who mixes up with the rural people and who knows their condition at the present moment knows how any rumour or any prospect of legislation affects them adversely. As soon as the report of the Floud Commission was out, many of the *bargadars* have lost their land, though there is no question of any legislation at the present moment. We do not know whether any legislation affecting the rights of *bargadars* will come or not. Suppose any legistion comes, then the lands of these *bargadars* ought to be restored and then possibly our European friends will say "Well, you are giving restrospective effect". If such legislation is introduced—if anything goes for the good of the poor it ought to be passed, whether it is a breach of contract or not. Contracts, of course, should be respected but when contracts are ill-conceived, then I think there can be no objection to cancel or to do away with them by proper legislation if such action is really for the good of the poorer or weaker party to the contract. When a legislation is for the greater good of the greater number, such objection should not be raised.

With these few words, Sir, I congratulate the Hon'ble Minister who has brought forward this invaluable piece of legislation and for the manner in which he piloted the Bill patiently hearing all objections. We are grateful that the Bill is now going to be passed.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, at the outset, I must express my heartfelt thanks to this House for the assistance and advice that I have received in connection with this Bill. I have also to offer my thanks to those honourable friends of mine who have taken part in this debate.

Sir, I do not propose to take too much of the time of this House, much less do I propose to inflict a speech at this hour of the day. Still, Sir, I might be permitted to submit to this House one or two points as to how this Bill had its origin in the Bengal Legislative Assembly.

But before I do so, I must, as I feel I should, just say a word to those honourable friends of mine who have even at this stage given me some advice as to how Government should proceed with regard to their legislative measures. I am indeed very grateful to my friends Khan Bahadur Naziruddin Ahmad and Professor Humayun Kabir who have suggested the steps we should take before framing our legislative measures. I do not think I would be misunderstood if I submit to this House even at this stage that even if Government were to introduce legislative measures they are certainly governed by the judgment of the Legislature itself. This House, if I may repeat once again with all respect, is the Upper House consisting of Elders and one-third of the House consists of the representatives of the Bengal Legislative Assembly from whom we can certainly expect advice and assistance in practical form. Now, so far as this measure is concerned, I am indeed grateful to the House for their assistance in recasting some of the provisions and also adding some new ones to effect improvement. So far as that is concerned, my friend, Khan Bahadur Naziruddin Ahmad, has been good enough to analyse the various provisions of the Bill. My esteemed and respected friend, Khan Bahadur Ataur Rahman has been good enough to say a few words of appreciation about my work in connection with this Bill. My friend Professor Humayun Kabir has also been good enough to say a few words of compliment for the little work that I have been able to do in connection with this Bill. Sir, I shall not go into any analysis of the provisions of the Bill, for the Bill consists practically of only one clause, viz., clause 5, which sets out in detail the steps that a man, who has unfortunately lost his property by reason of the sale in execution of the decree of a court, should and ought to take to free himself from this difficulty and to get back the few *bighas* of land for the sake of his maintenance. As I started by saying, Sir, I may be given the liberty of placing before the House one or two little facts as to how this Bill originated. In the other House questions were often asked as to the steps that Government were taking to put these people—people who had been deprived of their properties by the hurried action of decree-holders—back to the possession of their property, and even during the budget discussions in that House specific motions were tabled asking Government to take immediate action; for, otherwise people of this class—and their number was quite large—would have no redress whatsoever. I remember that questions and motions of that type were tabled and seriously placed before the other House during the budget discussions in March, 1939, and I replied to the honourable members of that body, that I would take action, or at any rate, cause enquiries to be made as to the situation and then place before the House all the relevant facts and action would be taken, if considered necessary. Enquiries were started through Collectors in several districts with a view to find out whether there was any basis for the suggestion that was so seriously

made that poor and unfortunate people were deprived of their lands by the hurried action of the decree-holders and creditors. The results of the enquiry showed that the number of such people was very large and in fact their lands were sold, and so much under-sold, that they did not get even one-tenth of the normal price of their lands. In view of the information disclosed by the enquiries, Government was forced to draft this measure and bring it before that House. I may tell the House, Sir, that a suggestion was seriously made in the other House that Government should go further backwards and try and relieve the difficulties of the people by bringing within this measure even transactions which had taken place as far back as 1930. Honourable members of this House will please remember that that was the time when this unfortunate province of ours started feeling the pinch of economic depression and Government after consulting their officers, the Collectors in the districts and the Commissioners of Divisions, thought that there should be some line drawn somewhere definitely and they realised that while giving relief to this section of the people committed to their care, Government should not be unjust and unfair to another class of people whose interests also should be taken note of. It was from that point of view that the Bill which was introduced in July, 1940, in the other House was drafted. It was mentioned that the date on which the original measure came into effect, namely, the 9th April, 1936, when the assent of His Excellency the Viceroy was received should be taken to be the proper date on and after which transactions of this character should be brought within the purview of this measure, and as a result of this Act people of this type were to be put back to the possession of their land. When the matter was discussed threadbare before the Select Committee of that House a large number of members coming from that body thought that the proper date should be earlier, for, they argued that while the Bill was published in the *Calcutta Gazette* on the 12th August, 1935, hurried action was taken by the creditors and decree-holders as a result of which their properties were sold. Government was forced to yield to the judgment of that body.

Now, Sir, Mr. Ross suggests, and I have great respect for this feeling of his, that if measures like this were brought in, the social structure would be greatly upset and he warned Government that they should be very careful to see that in future no provision for giving retrospective effect was made. The answer to this has been given by my friend Mr. Humayun Kabir as to why in some cases retrospective effect is necessary in order to save the poor people. He also said that if Government intended to do so they should be very clear not only to state this in the Statement of Objects and Reasons but also in the provisions, to indicate to the Legislature the circumstances under which Government were compelled to have recourse to such measures. Here, Sir, in this case, the circumstances are very clear and it is not

possible for Government to get away from them. My friend Mr. Ross also suggested that if this sort of provisions is enacted it would be difficult to maintain the structure of the society and maintain the good relationship of the different classes of people. I hope he is aware of the social and economic condition of the poor cultivators of this province and also how they are exploited by interested parties. It is also a matter for consideration under what condition these contracts were made between the two parties and we should pity the poor cultivators.

Let us analyse the position a little. Here is a man who is poor and helpless and at the same time so unfortunate that he cannot depend on his own resources: he goes to his neighbour who is luckily a bit rich: he goes to him for some help: the rich man helps him but he gets the signature of the poor man on a piece of paper in return for the help which he gives—the man asks for help and gets it but he has to sign a paper and on the basis of that paper he is bound down. Now, Sir, I ask Mr. Ross why the social structure of the society would be upset if the Legislature taking note of these facts and the condition prevailing in the province, try to modify this relationship so that the unfortunate man might be given a little help to enable him to earn bread for himself and for his family. In the ordinary course the poor man cannot get away from the contract, if it is a contract as sacred as is suggested, and get his remedy: hence this legislation. The rich man, I submit, by this legislation is getting back the full value of his money. At the same time I think the poor man is entitled to the sympathy of his rich neighbour, if circumstances so demand. So, I submit that Government have ample justification for bringing forward a legislation of this character.

Then, Sir, so far as the question of drafting of the Bill is concerned, after what has been said by my friend Mr. Abul Quasem, I would not be justified in saying anything more. I have taken note of the suggestions made by my friend Mr. Humayun Kabir and others. I may say that we have got Standing Committees attached to the various departments of Government to advise them with regard to the major questions of policy and according to their advice the measures are drafted.

With regard to this Bill, the draft was prepared after consulting those bodies. But as you know, a legislation of this type cannot be disclosed before it is given a final shape and the Hon'ble Minister in charge, according to the Rules of Business and Standing Orders and Procedure of the Legislature, is bound to treat such a thing when under preparation as confidential and he would not be justified in disclosing it even to his friends. We are, however, alive to the necessity of having the advice of experts. So, we have the Standing and other Committees attached to various departments of Government to advise

them on various measures. But, as I have said, we are bound to follow the Rules and Standing Orders of the Legislature and act up to them.

Sir, we come to this House with measures of this type not only for your help but for your assistance, advice and active support. So far as this piece of legislation is concerned, no less than 81 amendments were tabled of which 17 have been actually accepted—3 of them negatived and most of the other amendments were not moved.

I am grateful to my honourable friends Khan Bahadur Naziruddin Ahmad and Khan Bahadur Saiyed Muazzamuddin Hosain for their valuable help in piloting the Bill. They have taken great pains in shaping the various provisions of the Bill through amendments.

Sir, my friend Mr. Abul Quasem in reply to the observation of Khan Bahadur Naziruddin Ahmad said that the members of Debt Settlement Boards have to discharge duties of a very arduous character. When you have got 4,000 Boards discharging duties of a very serious character without the assistance of a lawyer, anyone will readily appreciate the difficulties they have to face. I have had occasion to visit many such Boards and to see them discharge their duties in the presence of creditors and debtors, and to find for myself the difficulties of their task. I have known of cases in which the number of creditors of one particular debtor had been as high as 135. Now, Sir, this particular application would have been the subject-matter of 135 different civil suits in any court of law. One can very well appreciate the task that these poor people have to discharge. My friend Mr. Abul Quasem has pointed out that their orders are not absolutely final for a judicial officer sitting in appeal under section 40 of the existing Act is called upon to revise the same. It shows clearly that even when the Boards have failed to do anything, there is a right of appeal given to the aggrieved party. The amendment that was agreed to by both Houses of the Legislature and which became law on 11th July, 1940, has also made provision by which the District Judge has now got the power of revision to peruse for himself the records and the judgment of such Appellate Officers, to satisfy himself as to whether or not the orders of the Appellate Officers along with the orders made by the Boards were just and fair.

I doubt very much if the observation made by my friend Khan Bahadur Naziruddin Ahmad can be said to be correct. I submit that with this Amending Bill we will be able to give relief to a large number of people, though not to the fullest extent, as has been said by at least two of my friends, since we have not taken note of cases of voluntary sales. If necessary, this may be considered hereafter.

Sir, I offer my humble thanks respectfully to the House once again and to those honourable friends of mine who have taken part in the Third Reading of the Bill, and with this submission I once again place my motion for the acceptance of the House.

Mr. PRESIDENT: Before I put this motion to the vote of the House, I would like to draw the attention of the Hon'ble Minister and members of the House to the procedure which is adopted in the British and other Dominion Parliaments as regards Bills which are much amended in Committee. In Parliaments of different countries, to avoid bad draftsmanship there are provisions for having the expert advice of persons skilled in legal drafting. I will now refer to Courtney Ilbert's classic book on "Legislative methods", page 89, where he deals with the procedure followed in the parliamentary institutions of different countries:—

"Where a Bill is much amended in Committee, it will require minute examination after the Committee stage, for the purpose of seeing whether there are any errors to be corrected, inconsistencies to be removed, or consequential alterations to be made; and amendments will have to be framed for insertion at later stage.....

When a Bill of great importance is in progress, it requires the constant and unremitting attention of the Parliamentary Counsel, to the exclusion of all other work.

In the Dominion of Canada there is, for each house of the Canadian Parliament, a law clerk, an officer whose duties include those of a Parliamentary Counsel as well as those of a legislative draftsman. The law clerk of the Senate is appointed by that body. The law clerk of the Lower House, is also law clerk of the Government.

In Newfoundland there is an official draftsman, called the Law Clerk of the Legislature, appointed by and responsible to the Governor in Council.

In New South Wales drafts of legislative measures are prepared by the members of Parliament introducing them, or by some person acting under their authority or by their direction. There are two official draftsmen, named Parliamentary draftsmen and appointed by the Governor with the advice of the Executive Council".

Several honourable members have remarked on this occasion on the question of unsatisfactory draftsmanship. I may remind them of a passage from Sir Alison Russel's Book on "Legislative Drafting":—

"It may be well to warn the draftsman that in his case virtue will, for the most part, be its own reward, and that after all the pains that have been bestowed on the preparation of a Bill, every Lycurgus and Solon sitting on the back benches will denounce it as a crude and

undigested measure, a monument of ignorance and stupidity. Moreover, when the Bill has become law, it will have to run the gauntlet of the judicial bench, whose ermined dignitaries delight in pointing out the shortcomings of the Legislature in approving such an imperfect performance."

Austin in his Jurisprudence says: "what is commonly called the *technical* part of legislation is incomparably more difficult than what may be called the *ethical*. In other words, it is far easeir to conceive justly what would be a useful law than so to construct that same law that it may accomplish the design of the law-giver."

As to the effect of bad draftsmanship, Scrutton, L. J., in Roe *versus* Russell, (1928), 2 K. B. pertinently observes:—

"I regret that I cannot order the costs to be paid by the draftsmen of the Acts, and the members of the Legislature who passed them, and are responsible for the obscurity of the Acts, and their failure clearly to provide for such obvious things."

To provide against bad drafting of Bills, the Government may well consider if any such arrangement, as obtain in the Dominion Parliaments referred to, may be provided for the Legislature here.

The question before the House is: that the Bengal Agricultural Debtors (Second Amendment) Bill, 1940, as settled in the Council, be passed.

(The motion was agreed to.)

Order, order. The House now stands adjourned till 2-15 p.m. to-morrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Wednesday, the 6th August, 1941.

Members absent.

The following members were absent from the meeting held on the 5th of August, 1941 :—

(1) Mr. Shrish Chandra Chakraverti.
(2) Khan Sahib Abdul Hamid Chowdhury.
(3) Mr. Humayun Reza Chowdhury.
(4) Mr. Narendra Chandra Datta.
(5) Mr. Kamini Kumar Dutta.
(6) Khan Bahadur Alhadj Khwaja Muhammad Esmail.
(7) Mr. Kanai Lal Goswami.
(8) Khan Bahadur Saiyed Muazzamuddin Hosain.
(9) Mr. Mohamed Hossain.
(10) Khan Bahadur Syed Muhammad Ghaziul Huq.
(11) Maulana Muhammad Akram Khan.
(12) Sir T. Lamb.
(13) Mr. Naresh Nath Mookerjee.
(14) Dr. Radha Kumud Mookerji.
(15) Mr. Ranajit Pal Chowdhury.
(16) Dr. K. S. Ray.
(17) Rai Bahadur Radhica Bhusan Roy.
(18) Mr. B. K. Roy Chowdhury.
(19) Mr. W. F. Scott-Kerr.
(20) The Hon'ble Sir B. P. Singh Roy.

B. G. Press—1941-42—6524A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

Second Session—No. 6.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 6th August, 1941, at 2-15 p.m., being the sixth day of the Second Session, pursuant to section 62 (*2*) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the Hon'ble Sir Nazimuddin is on his way and he will arrive shortly. So, question No. 25 which relates to his department may be postponed for the time being.

Appointment of Law Agent to Searsol Raj Wards' Estate.

26. Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) whether the post of the Law Agent of the Searsol Raj Wards' Estate has fallen vacant in Burdwan;

(*b*) whether there is any Government or departmental order to appoint suitable Muhammadan lawyers to fill up vacancies in the posts of Law Agents in Wards' estates; and

(*c*) whether it is intended to fill up the vacancy in Burdwan by appointment of a suitable Muhammadan lawyer?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Yes.

(*b*) Yes, there are orders to the effect that in making such appointments, applications from deserving and suitable Muslim and Scheduled Caste pleaders should be given due consideration.

(c) Applications were invited and amongst the applicants there was only one Muslim pleader and no Scheduled Caste pleaders. The post has been filled up by the appointment of Babu Panchanan Chatterji, M.A., B.L., who was considered to be the best candidate. He has the longest experience, and is one of the leaders of the Burdwan Bar.

Khan Bahadur NAZIRUDDIN AHMAD: Will the Hon'ble Minister be pleased to state what is the import of the expression—the claims of Muslims should be given due consideration?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The idea is to appoint suitable Muslims wherever possible, in view of the fact that there are few Muslims as court of wards law agents.

Khan Bahadur NAZIRUDDIN AHMAD: Will the Hon'ble Minister be pleased to state what is the name of the Muslim candidate in this case?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Khan Bahadur NAZIRUDDIN AHMAD: Is it a fact that he was considered suitable for the appointment and yet he was rejected?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It might be that he was suitable. But as my honourable friend knows, Babu Panchanan Chatterji is one of the leaders of the Burdwan Bar and considering the respective qualifications of the two candidates Government had no choice in the matter.

Khan Bahadur NAZIRUDDIN AHMAD: The point is that the rules enjoin a particular kind of consideration apart from the highest merit. If a Muslim candidate has the standard merit which is enough for the purpose of his appointment, he should be given preference—that is the import of the rule. Is it also the view of the Hon'ble Minister!

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir. We have got to look to the interest of the Estate. It is not merely the question of appointing a person with minimum qualification. In this case Government tried to consider the claims of a Muslim candidate; but in view of the fact that Babu Panchanan Chatterji was one of the candidates—and my honourable friend knows himself that there can be no comparison between him and the other candidate about qualifications, Government naturally were helpless in the matter and in spite of the fact that they were anxious to give the appointment to a Muslim, they could not do it.

Khan Bahadur NAZIRUDDIN AHMAD: In considering the ordinary rule and the rule under consideration taken together it comes to this: Irrespective of any consideration of caste or creed the post will go to the highest qualified man. Is this the view of the Hon'ble Minister?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Not always. But the appointment should go to one who is sufficiently qualified. Here in this case Babu Panchanan Chatterji was head and shoulders above the other candidate and naturally we had to give the appointment to him.

Government relief measures in Midnapore in 1940.

27. Rai Bahadur MANMATHA NATH BOSE: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) if it is a fact that during the flood in 1940, Government arranged for gratuitous relief in the Contai and Sadar subdivisions in the district of Midnapore; if so, from what date to what date the same relief measures were worked out;

(*b*) if it is a fact that at the time of the distribution of doles, the officers in charge of relief measures insisted that every recipient of dole irrespective of sex, age, caste, custom, religious belief and social position, should have to appear personally before the said officers in their camps; if so, if the Hon'ble Minister is aware that this was resented by the public;

(*c*) if it is a fact that thumb impression of minor recipients, even of the age of 2 or 3 years, were insisted upon by the said officers and for the said purpose, children had to be carried to the camps and their thumb impressions were taken; and

(*d*) if the answers to parts (*b*) and (*c*) be in the affirmative, who is or who are responsible for the above state of affairs?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes; from the 9th September to the 30th November, 1940.

(*b*) and (*c*) No.

(*d*) Does not arise.

Members of the union boards.

28. Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) if it is a fact that the members of the union boards are addressed as Babu or Maulvi in all communications and Gazette notifications of Government;

(*b*) if the Hon'ble Minister is aware that some Circle Officers address them as *tumi* instead of *apni* in conversation with them; and

(*c*) if so, whether the Hon'ble Minister proposes to issue an order to all the Circle Officers to be polite in addressing the members of the union boards?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) Yes.

(*b*) I have no information.

(*c*) Government have already issued instructions to the Circle Officers to treat the members of union boards with respect and to cultivate friendly relations with them. I propose to issue a circular drawing the attention of the Circle Officers to these instructions.

Mr. PRESIDENT: The Hon'ble Nawab Musharruff Hosain is ill. So the question relating to his department is postponed to-day. The House will now consider the Government Bills.

Government Bills.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I regret to mention that the Hon'ble Mr. Suhrawardy is indisposed and the motions relating to Bills standing in his name may kindly be postponed to-day.

Mr. PRESIDENT: There is another Bill, a motion regarding which stands in the name of the Hon'ble Sir Nazimuddin. Where is he?

Mr. MESBAHUDDIN AHMED: He will come presently. He is on his way to the Council.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I suggest, Sir, that you will kindly postpone the business till to-morrow as my honourable colleagues are not present.

Mr. PRESIDENT: There is no other business on the Order Paper of the day.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Then, Sir, the House may be adjourned to-day.

Mr. PRESIDENT: Order, order. The House stands adjourned till 2-15 p.m. to-morrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Thursday, the 7th August, 1941.

Members absent.

The following members were absent from the meeting held on the 6th of August, 1941:—

(1) Mr. Shrish Chandra Chakraverti.
(2) Mr. Hamidul Huq Chowdhury.
(3) Mr. Humayun Reza Chowdhury.
(4) Mr. Narendra Chandra Datta.
(5) Mr. Kamini Kumar Dutta.
(6) Khan Bahadur Alhadj Khwaja Muhammad Esmail.
(7) Mr. R. W. N. Ferguson.
(8) Mr. Kanai Lal Goswami.
(9) Khan Bahadur Saiyed Muazzamuddin Hosain.
(10) Mr. Mohamed Hossain.
(11) Khan Bahadur Syed Muhammed Ghaziul Huq.
(12) Maulana Muhammad Akram Khan.
(13) Mr. W. B. G. Laidlaw.
(14) Mr. J. McFarlane.
(15) Mr. Naresh Nath Mookerjee.
(16) Dr. Radha Kumud Mookerji.
(17) Mr. Ranajit Pal Chowdhury.
(18) Dr. Kumud Sankar Ray.
(19) Rai Bahadur Radhica Bhusan Roy.
(20) Mr. B. K. Roy Chowdhury.
(21) Mr. Sachindra Narayan Sanyal.
(22) Mr. W. F. Scott-Kerr.

B. G. Press—1941-42—6474A—750

THE BENGAL LEGISLATIVE COUNCIL DEBATES

Second Session—No. 7.

THE COUNCIL met in the Legislative Chamber of the Legislative Building on Thursday, the 7th August, 1941, at 2-15 p.m., being the seventh day of the Second Session, pursuant to section 62 (*2*) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

Announcement about the demise of Dr. Rabindra Nath Tagore.

Mr. PRESIDENT: The Chair requests the honourable members to rise in their places.

(Members rose in their seats.)

The Council meets to-day under the shadow of a great calamity. Rabindranath breathed his last only a couple of hours before. He was the greatest poet of modern times and also the greatest Bengalee of all ages in diverse spheres of life. The business of the House is postponed and the office will remain closed as a mark of respect to the memory of the illustrious deceased.

I adjourn the House till 2-15 p.m. to-morrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 8th August, 1941.

Members absent.

The following members were absent from the meeting held on the 7th August, 1941:—

(1) Mr. Srish Chandra Chakraverti.
(2) Mr. Humayun Reza Chowdhury.
(3) Mr. Narendra Chandra Dutta.
(4) Mr. R. W. N. Ferguson.
(5) Khan Bahadur Syed Muhammad Ghaziul Huq.
(6) Maulana Muhammad Akram Khan.
(7) Mr. W. B. G. Laidlaw.
(8) Mr. J. McFarlane.
(9) Mr. Naresh Nath Mookerjee.
(10) Mr. Ranajit Pal Chowdhury.
(11) Dr. Kumud Sankar Ray.
(12) Mr. J. B. Ross.
(13) Rai Bahadur Radhica Bhusan Roy.
(14) Mr. W. F. Scott-Kerr.

B. G. Press—1941-42—6525A—750.

Second Session—No. 8.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 8th August, 1941, at 2-15 p.m., being the eighth day of the Second Session, pursuant to section 62(1)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

Condolence Resolution on the demise of Dr. Rabindra Nath Tagore.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I, with your permission, move the following resolution:—

This Council places on record its deep sense of sorrow and irreparable loss on the passing away of Dr. Rabindra Nath Tagore. Humanity is poorer to-day by his death and India has been deprived of one of her noblest sons who helped the advancement of knowledge, culture and civilisation to the lasting benefit of mankind. By his international outlook on life, ceaseless search for Truth, indomitable courage in upholding the cause of the poor and the oppressed for whom he had unbounded sympathy, robust optimism and abiding faith in God, the Poet provided joy and inspiration to millions of hearts during the long years he had been with us and will continue to do so through his writings as long as literature will endure. In him has passed away a great seer, a patriot, philosopher and a true friend of humanity.

Sir, we meet to-day under the shadow of a great calamity. The nation is in mourning and feels stunned by the blow, though it was by no means unexpected or sudden. This is, therefore, not the occasion for recounting the many gifts or the achievements of the great Poet to humanity. Our wound is still too fresh to enable us to give expression to our grief and it is still too early for us even to realise what a serious loss India and the world have suffered by the passing away of the Poet. A beacon-light that had been guiding and inspiring mankind for over half a century went out yesterday and we are enveloped in darkness. As a poet, philosopher, prophet and patriot, Rabindra Nath performed his mission nobly for which humanity will ever remain grateful to him. He has shed his mortal coil as all men must do, but few lives were lived more usefully in the service of

mankind and to its lasting benefit than his. Rabindra Nath's writings have supplied courage and inspiration to millions of hearts and though by the decree of Providence that fountain of joy is now choked, that lute which had been providing divine music to millions of his fellowmen is now stilled, Rabindra Nath will for ever continue to charm us as in his life-time.

The Viswa-Bharati—that epitome of world's culture and learning,—is another noble legacy the Poet has left to his countrymen. He was its life and inspiration. It was his personality that attracted savants and students to it from all the world over. I am not sure if that great institution could be placed on a sound financial footing by its creator. Let us, his countrymen, in this hour of sorrow, take a vow to give a tangible expression to our grief by placing the Viswa-Bharati on a permanent and lasting foundation. No expression of our gratitude to him will be more genuine, befitting and useful than if we could secure financial solvency for that seat of learning and thereby preserve the Poet's ideal.

Sir, to-day we, the grateful countrymen of Rabindra Nath, mourn his loss, we feel the pangs of his separation; but in the midst of this overwhelming grief, we are inclined to exclaim "Rabindra Nath is dead. Long live Rabindra Nath".

Mr. PRESIDENT: Resolution moved:

This Council places on record its deep sense of sorrow and irreparable loss on the passing away of Dr. Rabindra Nath Tagore. Humanity is poorer to-day by his death and India has been deprived of one of her noblest sons who helped the advancement of knowledge, culture and civilisation to the lasting benefit of mankind. By his international outlook on life, ceaseless search for Truth, indomitable courage in upholding the cause of the poor and the oppressed for whom he had unbounded sympathy, robust optimism and abiding faith in God, the Poet provided joy and inspiration to millions of hearts during the long years he had been with us and will continue to do so through his writings as long as literature will endure. In him has passed away a great seer, a patriot, philosopher and a true friend of humanity.

Khan Sahib ABDUL HAMID CHOWDHURY: Mr. President, Sir, when the heart bleeds with grief and sorrow, the mouth speaketh not. What Bengal lost yesterday cannot be regained for generations to come. Poet Rabindra Nath was our pride and glory. In his death we have lost the greatest poet of modern times and perhaps the greatest Indian of all ages. Great as a scholar and artist both in prose and verse, he left scarcely any field of literature untouched and unadorned by him. A distinguished philosopher and a philanthropist, he has not only lived for the teeming millions of his countrymen but for the

suffering humanity at large. He was a *Biswakabi* in the real sense of the term. In him Bengal has lost the greatest poet, India the greatest sage and the world the greatest philosopher.

Sir, as the Hon'ble Leader of the House has said, his death was not sudden nor unexpected; but we could not perceive that the cloud was gathering heavily to burst upon us so soon. When yesterday I was by the bedside of our beloved Poet, I could not believe even for a moment that the day of national calamity was approaching so suddenly. I could not feel even for a moment that the heavenly light —that bright face—would be taken away from us so abruptly and that the prayers of millions and millions of men and women would go in vain.

Grandson of Prince Dwaraka Nath, and son of Maharshi Devendra Nath, Rabindra Nath was the ambassador of Indian culture and philosophy. Scion of a rich, noble and aristocratic family, his sympathy for the poor and the suffering humanity is known to one and all. The mortal frame has been snatched away by the cruel hand of death but he remains immortal in what he has given us. He was never afraid of death. His courage in facing death finds beautiful expression in his poem which begins with the following line:—

"মরণরে, তুঁহুঁ মম শ্যাম সমান।"

With these few words, Sir, I lend my whole-hearted support to the resolution so ably moved by the Hon'ble Leader of the House.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, allow me on my behalf and on behalf of the party to which I have the honour to belong to associate myself whole-heartedly with the resolution which has just been moved so ably by the Hon'ble Leader of the House.

Sir, I put myself the question—how can I describe a mountain, it is so big—how shall I describe the sea, it is so vast—how shall I describe Rabindra Nath—he is so great? Yet, Sir, let me put my thoughts briefly. Dr. Rabindra Nath Tagore was a poet and patriot, prophet and philosopher rolled into one. He was the very soul of Bengal—nay of whole India. It was quite in the fitness of things that His Highness the Maharaja of Tripura conferred on him the title of "Bharata Bhashkar"—"the Sun of India". The sun has set but his effulgence enshrined in his literary works remains in all its brilliance—never to fade out. His words appeal straight to the head as well as to the heart. To read his works or to hear him is to be mesmerized. Such men can never die. His mortal remains, of course, have been burnt to ashes. But his thoughts put in black and white are everlasting. Do not Byron and Shakespeare yet live? And Kalidas? And so will Dr. Rabindra Nath Tagore. He was the Master Mind—the Master Spirit of the Age. And Spirit can never die.

Sir, though born with a silver spoon in his mouth, he was a fighter all through his life and decried Fascism and Imperialism in no uncertain voice. He felt intensely for the poor, the down-trodden and the oppressed. Soon after the Punjab atrocities and as the stories of sufferings undergone by our brethren of the Punjab trickled through in spite of "gagged silence," he renounced his title of Knighthood. He realised, as none else could, in the intensity of his feeling that "the time had come when badges of honour made the shame of the wearer glaring in the incongruous context of the humiliation of his countrymen who for their so-called insignificance were liable to suffer degradation not fit for human beings".

Though surrounded by all the comforts which wealth and modern amenities of civilized life can provide, he felt for the Indian masses as if he was one of them. His words uttered only a few months ago are still ringing in our ears. He observed: "As I emerged into the stark life of bare facts, the dire poverty of the Indian masses rent my heart. Rudely shaken out of my dreams I began to realize that perhaps in no other modern State there has been such hopeless dearth of the most elementary needs of existence".

Sir, his prophetic instinct led him to probe deep into the matter and he was convinced that the ugly and savage culmination of Indian history would never have been possible if communalism and provincialism and lack of mutual faith were not sedulously encouraged to grow to their present vicious form, to quote his own words, "by some secret conclave holding the highest responsibilities in the system of administration". He always stood for Hindu-Moslem unity and instituted the ceremony of *Rakhi Bandhan* to be observed on the 16th October of every year as a mark of the unity of the Bengalees. The communal situation unfortunately had been going from bad to worse. In deep anguish his lacerated soul prayed "Make them true, Oh, Lord! Bengal's vows, Bengal's hopes, Bengal's works, Bengal's language, let them be true. Bengal's heart, Bengal's mind, brothers and sisters in Bengal's home, let them be one. Oh, Lord! make them one". Sir, prayers, it is said, move mountains and I have no doubt that time is fast approaching when the Muslims and Hindus will view the situation in its true perspective and unite. When that day will come, though unseen, Rabindra Nath will bless us all.

Sir, I would touch only one other aspect of his life and that is, the religious side. Deep down in his heart, he was deeply religious. In saying this, I do not take into account only his mystic utterances. I will just quote that which is plain. Said he, "I shall grovel in the dust at the foot of thy throne on the bare earth; with the dust of thy feet, shall I decorate my body. Give me strength; give me strength; fortify my soul; give me *bhakti;* give me the great sorrow of serving Thee."

Sir, once again I pay my humble tribute of respect to the memory of the Illustrious Deceased who, only a couple of months ago, in the absence of Pandit Jawaharlal Nehru who is in jail did not forget to send a proper reply to Miss Rathbone in defence of India's honour. May his soul rest in peace!

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Mr. President, Sir, with a heavy heart I beg to associate myself with what has been said by the Hon'ble Leader of the House. With the demise of that great soul, Dr. Rabindra Nath Tagore, a great misfortune has befallen not only Bengal, not only India but, if I may say so, also the whole world. He was a man of international fame. So the loss is suffered not only by us but also by the whole world.

Sir, born in the lap of luxury with a silver spoon in his mouth, Rabindra Nath Tagore knew no indolence so innate in rich birth. Whatever he acquired or achieved was always improved upon by him, so that when he wrote or spoke anything, a new light—something original, something to meditate upon,—always came from him. His versatile genius always gave to the world something new and constructive.

The Bengali language and literature owes the deepest debt to him. In modernising the language, in improving upon its phonetics, in refining its grammer and in coining new words, he has left his indelible mark upon the whole literature. It will be no exaggeration to say that he has increased 25 per cent of the present-day Bengali vocabulary. The melody and rhythm of his poetry can bear favourable comparison with those of any modern language. The esoteric meaning of some of his poems has afforded systematic exercise to many a well-equipped mind. His "Gitanjali" is the masterpiece of his literary works. The material West ever sought for him and looked up to him for some light—some inspiration or guidance for the life hearafter. To them he was a great Seer. To bring about a harmony of the outer Being with the inner Self was the great mission of his life.

Although he had extensively travelled in foreign lands, he seldom allowed himself to lose his Self or individuality. In fact, so very strong was he in this respect that whatever country he visited he carried there his own ways of living and attiring. But he never forgot to assimilate what good was there in foreign cultures although he did it quite unperceived.

Rabindra Nath was a unique personality in every respect—a great poet, a great philosopher, a great writer, a great dreamer. He never hankered after popular fame or cared for governmental frown or favour. When he keenly felt about something, he never hesitated to express himself on the matter in the clearest possible terms.

His handiwork—his life's achievement—the Santiniketan of Bolpur—is a happy blending of Eastern and Western institutions—the like of which is to be seen nowhere. It has deep potentialities and a great promise. Let us earnestly hope that this great institution of the Poet will be fed and fostered by his countrymen in his absence.

In Rabindra Nath we have lost not only one of the greatest Indians but also a great citizen of the world. The Bengalees are distinctly poorer to-day by his death. His passing away at this critical juncture of the world's history is indeed a deplorable tragedy! At the present time when we are fighting each other, when there are internal and external strifes, it is a great misfortune for Bengal that we have lost his guidance and statesmanship. Sir, I beg to associate myself in offering our deepest sympathy and condolences to the bereaved family not only on my behalf but on behalf of the Party to which I have the honour to belong.

Mr. J. B. ROSS: Mr. President, Sir, on this melancholy occasion I desire to associate my Party whole-heartedly with the resolution moved by the Hon'ble Leader of the House and with everything that has been said so far about Dr. Rabindra Nath Tagore. By his death Bengal and India have lost not only an outstanding poet and writer but also a great national figure. To the people of Bengal he had for long been father, philosopher and friend. He has enriched their language and their culture and brought something new and valuable to their education. His reputation, however, goes far beyond the bounds of India and his death will be mourned in many countries. In England, since his visit in 1912 when he translated some of his Bengali works into English, he has been widely read and admired and his loss will be keenly felt in that country. All his literary works have been distinguished by beauty of expression, depth of feeling and nobility of thought. His world-wide reputation received fitting recognition when in 1913 he was awarded the Nobel Prize for Literature—a distinction which, I think, it is true to say has been conferred on no other Indian. Yet it is not only for his work as an artist, writer and pioneer of educational thought that he will be remembered although that work will live on afterwards and inspire generations to come; he will also be remembered for his outstanding and lovable personality.

He had sympathy for the poor and down-trodden, whatever their nationality, caste or creed, and, above all, a non-communal and non-partisan outlook, which exercised a great influence both in India and outside India. He was truly a great man and, although essentially an Indian, he was always above considerations of nationality, caste or creed. His work and his memory will live on, for, it has been said by a famous Greek soldier and statesman, "The whole earth is the sepulchre of famous men. Their story is not engraven only on stone

over their native earth, but lives on far away, without visible symbols, woven into the stuff of other men's lives."

With these words, Sir, I support the resolution.

Khan Bahadur M. ABDUL KARIM: Mr. President, Sir, we on this side of the House with a deep sense of grief whole-heartedly support the letter as well as the spirit of the resolution so eloquently moved by the Hon'ble Leader of the House. It is unfortunate that we have got no doctors or professors on our side of the House; for they would be more competent to speak about the literary, poetic and philosophical works of the great departed. Looking at him from a distance, as we have been accustomed to during the last 30 or 40 years of our life, we can truly say that had poet Wordswoth been alive to-day, he would have described Dr. Rabindra Nath Tagore as "sweetest Rabindra, Nature's child, warbling his native woodnotes wild". Sir, more than 20 years ago I came across some writings of Rabindra Nath. It struck me even then that he was one of the greatest patriots of India. Really speaking, I regarded him an ardent and arch patriot. In one of his devotional poems he gave utterance to the following couplets:—

Where the mind is without fear and the head is held high,
Where the world has not been broken up into fragments by narrow domestic walls,
Where words come from the very depth of truth,
Where tireless striving stretches its arms towards perfection,
Where the clear stream of Reason has not lost its way into the dreary sand of dead habit,
Where the mind is led forward by Thee into ever-lasting thought
And action; Into that Heaven of Freedom,
Oh, God! let my country awake.

These solemn words left indelible impression on my mind and from that time onward I for one came to regard him as one of the greatest patriots of modern times. Now, Sir, I do not set much value to the fact that a particular gentleman is a genius or a man of super-talents. If he is not a patriot, he is nothing. Therefore, Sir, from my point of view I consider that this is the greatest qualification for which Rabindra Nath should be remembered all through the ages to come as one of the greatest patriots of India. He was a philosopher, but not a philosopher who generally deals with transcendental nonsense—he was a practical philosopher, and the words that I have quoted from his poem were uttered at a time when there was that vexed and controversial question before the country as to whether India should have Dominion Status or Independence. It is only in that heaven of

freedom based upon those qualities that we are bound to ensure individual and national freedom, and the only way in which we can show proper honour to Poet Tagore is by acting up to the ideals that he laid down in those few lines—the ideals which good God sent through him. Unless this is done, I do not think that mere words of praise are any good. He has laid down the rule of practical life both for individual and national freedom.

Sir, I might also mention another thing. He came of a great aristocratic and cultured family and in my opinion the highest compliment was given to Dr. Tagore by the representative from the University of Oxford who in conferring on him the degree of Doctor of Law remarked, "You have crowned the virtues of your line." With these words, Sir, I once again wholeheartedly support the resolution.

Dr. RADHA KUMUD MOOKERJI: Sir, I wish to congratulate the Leader of the House on the extremely well-worded resolution which he has just now moved and also the sentiments which that resolution has given expression to. I need hardly say that every one of us would be quite prepared to associate whole-heartedly both with the wording and also with the sentiments of this resolution. I do not know whether this is quite the proper time and place for an exhaustive treatment of such a vast subject as Rabindra Nath Tagore. I should like on the present occasion to avoid an assessment of the great literary achievements of the Poet, as it is somewhat out of place in a House of the Legislature. I should like to make a short reference to what the public life and the political life of the country owe to that great personality whose passing away has made the people of Bengal, India, nay, the world so much the poorer.

The few remarks that I am going to make will also be based upon my own personal evidence and my own personal experience. I do not know whether members of this House are well acquainted with the facts of his extraordinary life in which are to be sought the foundations of his future greatness. Now, one of those facts is that it was very difficult for Rabindra Nath's father to educate him in the proper sense of the term. Eventually, it was left to his elder brother, Satyendra Nath Tagore, the first Indian I.C.S., to take charge of Rabindra Nath's education and he thought that the best way to make him begin some kind of general education was to take him to London. There he entered the London University as a student of literature. The poet himself told me how he had fared as a student of a big University like the University of London. He was placed under the direction of that great Professor of English Literature of the London University, Henrey Morley, the elder brother of Lord Morley, then John Morley. He told me a very interesting story which has not

received the publicity which it deserves. On one occasion Henrey Morley set before his class the task of writing an essay. The poor poet could not evade or avoid this task and he had to submit to the regulation that he should write an essay and present it before the professor. A few days after, Henrey Morley came to his class and asked who was Rabindra Nath Tagore. The poet was trembling in fear that perhaps he might be expelled from his class for something for which perhaps he was responsible. But it was not to be like that. Henrey Morley, as soon as he saw Rabindra Nath Tagore, said, "you have written an essay of which any literary man could be proud". And he then and there made the prophesy that Tagore would live to be one of the greatest men of letters that the world would see. Even then, therefore, his future literary greatness was envisaged by a critical man like Henrey Morley. In that way his education was organized without any plan, without the methods of orthodox education but still you cannot say that he was not an educated man in the true sense of the term. Perhaps this might be a matter for consolation for those who do not like to put themselves through the ordinary drill of a school or University education.

Now I come to the other point to which I referred, namely, his contributions to politics. Very few members of this Council perhaps remember that he was chosen once to preside over the Bengal Political Conference of those days at its session held at Pabna. During those days the poet was in very great request in orthodox political circles connected with the Congress and the President of the Bengal Political Conference was the President for the year and it devolved upon him to give directions for work in the field of politics.

I now come to a somewhat delicate and ticklish ground and I hope my colleagues will view the events I shall relate in the proper perspective. We have all, I hope not forgotten Bamfylde-Fuller, the first Governor of the East Bengal Administration, and also the only instance of a Governor whom the Secretary of State felt called upon to dismiss from his high office. (Mr. ABUL QUASEM: He was not dismissed but he resigned.) Very well, to be more accurate, he was asked to resign his high office.

However, that may be, I come to a phase of Bengal's politics which ought to be known widely. Under Sir Bamfylde-Fuller's regime, the boys of Government schools who had the hardihood to shout or utter the word "Bandemataram" were then and there expelled. The situation created by the circular was really one full of great difficulties and problems. Boys were being expelled from all Government schools and the question of their future education came up before the public. There was a very big meeting called by the Maharaja of Mymensingh, Surjakanta Acharya Chowdhury of the Bengal Landholders' Association, to discuss the problems created by this educational

circular. In the meanwhile, some of the advanced students of the Calcutta University took the law into their own hands and declared a boycott of the University which did not protest against this circular. My humble self became one of the ring-leaders of that boycott movement. I was then appearing at the last examination of the University —the Premchand Roychand Studentship Examination—and I was associated with about 100 other candidates for the M.A. Examination of that year—1905. This movement of the boycott of the University which acquiesced in the expulsion of students for the mere uttering of the word "Bandemataram"—this movement began to spread widely, but who was in charge of this boycott movement? It was the Poet himself. And I still remember the days when we were asked to meet on the roof of the Metropolitan Institution where all measures were concerted so that the boycott movement might be kept alive against the machinations of the University authorities as a most legitimate educational movement. Rabindra Nath Tagore had then as his close associate in this adventure our respected citizen of Calcutta, Mr. Hirendra Nath Dutt. The poet not merely gave his personal encouragement to the students who were up against the circular but provided stimulus for the movement by composing his famous national poems. I still remember vividly how one evening the Poet came into the room of the Metropolitan Institution with his favourite pupil—Ajit Chakravarty, and sang to us the first of his national songs. It ran thus:—

'আপন জনে ছাড়্‌বে তোরে, তা'বলে ভাবনা করা চল্‌বে না,
তোর আশালতা পড়্‌বে ছিঁড়ে হয়ত রে ফল ফল্‌বে না
তা'বলে ভাবনা করা চল্‌বে না।
আস্‌বে পথে আঁধার নেমে, তা'বলে কি রইবি থেমে
বারে বারে জাল্‌তে হবে হয়ত বাতি জল্‌বে না
তা'বলে ভাবনা করা চল্‌বে না।'

Now, first day he came with one poem, but the next day he thrilled us all with four poems. Thereafter, a stream of poems began to flow without break. By this time, I think these poems have exceeded two thousand. This patriotic poetry can be compared with similar literature produced in any other part of the world.

Now, Sir, he was not merely content with throwing himself heart and soul into the students' movement, into the youth movement of those days, but he further tried to feed the national movement of those fateful years of 1905-07. He strengthened the movement by writing polemical and political dissertations like *Swadeshi Samaj* and *Tatah Kim* (তত:কিম্‌). Through all these political disquisitions Dr. Tagore

gave India his scheme of Swaraj. As a matter of fact, in many ways his scheme of "*Swadeshi Samaj*" long ago anticipated what Mahatma Gandhi later on has preached and stood for, and I think that Dr. Tagore has a real claim to be considered as the pioneer of those movements which are now associated with the name of Mahatma Gandhi. Now, Sir, in this connection I should like to say also that the Poet did not always appreciate the compliment of being called a poet, a mere idealist and a dreamer. He was very keen and anxious that the idealism that ispired his poetry should take shape and form, so that it might be embodied in institutions through which his ideas would live for ever. Therefore, he was most anxious to see that his idealism and scheme of reconstruction were not treated as the idealistic speculations of a mere poet. He wanted that his ideas should be critically judged for their practical value, so that the institutions for which he stood, the institutions accepted by his countrymen should live for all time. Therefore, he felt very strongly that he should be seriously taken as a man of action, and he many times expressed his grievous disappointment that he should be brushed aside as an idealist and a poet who had no authority to speak on matters that were practical and secular. It seems to me therefore that although he enjoyed exercising the marvellous creative powers with which he was so liberally endowed by God, although he enjoyed writing poetry and making immortal creations, yet at the same time he was most anxious that the institutions which he had founded as a result of his idealism and in response to his inner inspiration should survive him. No doubt, the Poet has achieved immortality even in his mortal life. He will go on speaking to us through his marvellous poetry in his enchanting language. He will always speak to us through the vast literature he has created; but at the same time we should not remember and judge him as a mere man of letters and a poet but his ideas should be given some value because he wanted to be known also as a man of action, a man who knew what his country required for its political life and cultural reconstruction, and therefore we—as the Leader of the House has pointed out—we should always think that we have an obligation left to us by the great poet—an obligation to push forward the causes for which he stood, to further the interests of those institutions which lay so dear and near to his heart and which have received proofs, of late, of Governmental recognition. Now the Central Government and the Provincial Government, that did not always respond to the demand of these institutions in a generous manner, are united in according their full support to the institutions which the great Poet has founded.

Sir, I do not like to prolong my remarks in order to cover the other aspects of the Poet's life and work. Before I sit down, as a literary man, I consider, and I believe there are many literary men who consider, that Poet Tagore was really one of the greatest men of letters that the world has produced. The literature that he has created

is so vast and varied and is inspired by the deepest philosophy in such a degree that you cannot but come to that conclusion. On account of his versatile genius and the volume of his literature you cannot but consider Poet Tagore as the greatest man of letters that the world has even seen. We have known many Nobel Prize-holders and Nobel-Laureates, men like Bernard Shaw and Knut Hamsun and other distinguished men. But the works of all these great men—great as they are—cannot be compared with the richness, vastness and variety of Poet Tagore's literary output. So far as Bengal is concerned, we all know that he has built up the intellectual life of this province and has given to the Bengalees a language that is fit to be the vehicle of modern knowledge including science. Tagore's literature is consistent with the latest science. Very few people know that he had great attraction for physical science. He was always studying books of physical science, latest discoveries in the realm of positive sciences. So, really speaking he has given Bengal a language which is fit to be the vehicle of the most up-to-date and modern ideas. Therefore, although it is the vernacular of Bengal, it is a vernacular which is the vehicle of the highest and latest modern thought and no wonder that Bengali language, as it has been shaped and improved by him, has got a place in the studies of the Universities of London and Oxford which have introduced lectureships in the Bengali literature. Bengal—nay India—is proud of this appreciation. India's place in world culture has been considerably enhanced by the work of a single individual—one of the noblest sons that India has produced.

I personally feel that in the annals of India's literary men Rabindra Nath will easily rank as the greatest poet that India has ever produced from the days of Valmiki and Kalidas, considering the vastness and richness of his literary output.

With these words, Sir, once more I whole-heartedly support the resolution.

Mr. HUMAYUN KABIR: Mr. President, Sir, I believe that the House is doing itself honour to-day in considering and passing the resolution which has been so ably moved by the Hon'ble Leader of the House. This is not an occasion when long speeches are required. The time has not yet come when we can even attempt to appraise the genius and the work of Rabindra Nath Tagore. To-day we have not met here to praise him but to mourn his loss and to place on record a sense of the obligations which I think every citizen of Bengal—nay of India—feels for the gift of the great Poet. I think it is no exaggeration to say that the Bengal we know is what Tagore made it. What Bengal thinks, the language in which she thinks, and the imagination and idea of such thought are all the contribution of Poet Rabindra Nath Tagore. Sir, ours is a riverine land and we know that our country

has been built up through centuries by two great river systems. Sir, in a way Rabindra Nath can be compared to this river system. He also has built up the mentality which is so obvious in the cultural life of Bengal to-day. It is rarely given to any one single individual to lift the language of a province to the status of a world language. In the history of world literature, perhaps we find only one other instance, Dante, who like Tagore, elevated a provincial language to the status of one of the greatest languages of the world. I think, Sir, that in some ways the contribution of Rabindra Nath is an even greater achievement. He had to work against odds and in circumstances and in spite of difficulties which did not exist in the case of Dante, and yet he has made Bengali literature and language what it is to-day.

References have been made to-day to his many-sided activities in mourning his loss and recording our sense of obligation for the contributions which he has brought to the life of Bengal and India, and one might say, to the life of the world as a whole. It is this aspect, this variety of his many-sided activities which first comes to my mind. I think that the secret of his great mentality, the secret of his great achievements lies in the integration of personality which astonished and delighted every one who came near him. His interests were not confined to any particular field of human activities; they were not restricted to any special field of the achievements of man. He had taken for his sphere all that was human. A great humanist of the Middle Ages said: "whatever is human, I love; whatever is human, is my province." Whatever is human, Tagore has stood for it and fought for it and loved it and worked to realise it in his life and his country.

Sir, I said at the very outset that it is very difficult at this time, when his death is so near to us, to realise the full extent of the loss we have suffered in the death of the great poet. It is still more difficult to dwell at any great length upon the different aspects of his achievements. We knew that he would die, every one knew of his fatal disease, and yet when the news was flashed across Calcutta yesterday, we could hardly realize that he was really dead. Ever since the time when we first learnt of his serious illness, we were anxious and now our anxiety is at end in our terrible loss.

The last three generations of Bengalees have been fed upon Rabindra Nath's teachings, have been thrilled by his words and his writings and his ideals. They have grown up in that atmosphere and against that background which Rabindra Nath Tagore built up in the cultural life of Bengal. And, therefore, when we suddenly learnt that he was dead, it was a shock we could hardly realise. Mortals must die and everyone must sooner or later run his course; and yet when the news came, our spirits sank in deep despair. Till his last stages, he was so full of vitality and hope that he seemed the embodiment of life itself. How could such a one die when he seemed to be growing

before our eyes even during the recent years? He has enriched Bengali literature in so many ways and in such rich abandon. And yet, it seems that in recent years there has been a new development, a new growth in his mental horizon and new aspects of literature were revealing themselves before his vision.

Sir, I have referred to the aspect of integration of personality, integration of different spheres of life which is exhibited in the writings of Tagore. I think, Sir, that he is the greatest Bengali who has ever lived. References have been made to-day to the fact that he came of an aristocratic family and yet was not enamoured of his aristocracy. What is there of surprise in this? He was one of Nature's Princes to whom birth and station are mere accidents. And yet, it was fortunate in a way that he belonged to a landed aristocracy, for it made it easier for him to absorb the great cultural traditions of the middle ages and ancient India without difficulty and without strain. The temper of the times when he was born made it difficult for people from any other social group to do so naturally and with ease. He was born at a time when India was passing through crises with the impact of new ideas, with the impact of the new European civilization and with all the turmoil and unrest that must characterise a revolutionary change. Almost before his eyes Indian life was breaking up into two unconnected wholes. And these halves were often warring in bitterness.

On the one hand, there were those who accepted whole-heartedly whatever the West taught. For many of them, whatever was oriental, whatever was the heritage of ancient times was something to be condemned. They were men who thought that the culture of mediæval India was something to be regretted and forgotten. Those who accepted without question and whole-heartedly the contribution of Western civilization for a long time flourished. Western culture weaned them away from the riches of this country, and out of the contact with the new forces they for a time built up the facade of a new culture. Divorced from their own roots and cut off from the deep sources of rural life, they soon exhausted themselves. Many have noticed the brilliant and exotic and yet short-lived civilisation which seemed to be growing up in the latter half of the last century.

On the other hand, there were those who would have nothing to do with the West. They shrunk back into their shells and in the incrustation of ossified modes of life lost all vitality and chance of growth. Even to-day, there are pockets of conservatism in the country which are not only dead themselves but sources of infection for the life of society and the body-politic.

Tagore's secret of vitality and strength lay in his easy acceptance of the triple streams in Indian life. He was born into a family which made it easy for him to absorb the traditions of the nobilities of

mediæval India as well as the spiritual heritage of the ancient past. And yet it was a family which responded to the challenge of the West and accepted without fear or hesitation the values that Europe brought into Indian life.

Of course, this combination of circumstances does not explain the genius of Tagore, for genius is by its nature inexplicable; but it indicates the conditions in which his magnificent achievements were made.

Sir, reference has been made to Dr. Tagore's activities in connection with the political life of his country. It is not surprising that a person with the exquisite sensitiveness of Tagore would respond to the sufferings of the people. It is not surprising that an integrated personality like Tagore whose interest covered every sphere of life would be interested in political activities. It is but a natural expression of Tagore's character and mind that he would throw himself into the political struggle and work for the political freedom of his country, and by his vision and nobility inspire and lift the political fight to a higher plane of achievement and idealism.

Reference has also been made by my honourable friend Khan Bahadur Abdul Karim to a poem which, if I do not mistake, was published about 40 years ago. This magnificent poem was meant for the people of Bengal and it defined for them the ideal of patriotism and the ideal of freedom but it embodies a vision which holds true of all ages and all climes. I think, Sir, the people of any country of the world would be proud to pay homage to the writer of such a poem. Political activities, Sir, were but the natural expression of the integration of Tagore's personality, a manifestation of his indomitable spirit and of his sensitiveness, courage and devotion.

Whence was derived this phenomenal vitality and power of growth that astonishes us? I have referred to the background of his family and the happy fusion of culture therein. From an early age, when he was about 20 years old, he went to live at Shelaida. Some of the most formative years of his life he spent there in the heart of the country where he mixed with the people of the villages. He loved them and entered into their life. Their suffering was his suffering, their joy was his joy and their sorrows were his sorrows. He made their cause his own, and in return he drew from the secret sources of their life something of his vitality, something of his energy. Ours is a rural culture and whatever creative energy we still have exists in the rural life of our country.

In recent years, a new note was becoming dominant in his Art. About 10 years ago, he went to Russia and there saw a new endeavour to build up a civilisation on the basis of free labour. Tagore was primarily a philosopher—a visionary—but a visionary who worked for the realisation of his dreams. He was not concerned with the struggles

of petty politics, but in his thought and word, in his practice and his speech proclaimed the dignity of labour and the equality of man with man. He wanted that there shall be no bar for men to live together as brothers and sisters, as fellow-sharers of a common heritage. His Viswa-Bharati is widely known to-day as a visible embodiment of his ideals and his recognition that if India is to live, she must live as a member of the comity of nations, as a member of the civilised communities of the world. He recognised no barriers—national or racial, geographical or economic, in the face of human suffering and human endeavours. Whether there were sufferings in China or Abyssinia, in England or in India, in South Wales or in the ranches of South America, he felt at one with them. His sympathy with suffering extended beyond the limits of his province, beyond the limits of his country, beyond even his continent and he took the whole of humanity as his peer and comrade.

Sir, the history of the world tells us that politicians have their day and for a little while they strut upon the stage. For a little while they occupy the whole of the picture; but very soon, as the sands of time run out, so does the sawdust that enlarges their figure also run out. Where are the politicians of yesterday? Figures which dominated our vision for a while are all forgotten and all they stood and fought for are consigned to oblivion. In time, political manipulators are forgotten, their particular activities are forgotten, the movements associated with them are forgotten; but those who have contributed to the enrichment of the life of the people, to the quickening of consciousness in the human mind, those who have contributed something to the alleviation of human suffering, they are not forgotten and shall never be forgotten. To whatever country they may belong, they are at once exalted and become the world's saviours—beacon lights that shine through the darkness of ages. It is my conviction, and I think it is a conviction which the whole House will share with me, that when the political turmoils of to-day are forgotten, when these petty jealousies, these petty conflicts, the many ills under which we suffer, are all forgotten, when the many disappointments that we have experienced in this life are forgotten, the contribution which Dr. Tagore has made to the culture of the human race will for ever shine in the grateful memory of future times.

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Sir, I am thankful for being afforded this opportunity of paying my tribute of respect to the memory of the late Dr. Rabindra Nath Tagore. It is painful, almost impossible for me or for the matter of that for anyone here to refer to him as "late". He has left his impress on so many aspects of our life, he has influenced so intimately and so vitally our modes of thought and our manner of life that it is not easy for us to regard him as no longer living in our midst. Great as a poet, as a

philosopher and seer, and last but not the least, as a great patriot and irrepressible social worker, his contributions to the growth of our nation and particularly to the development of this province have been as manifold as they have been far-reaching. It will be unbecoming on my part, Sir, to go into the details of his activities on the present occasion. One cannot in fact exhaust them in a long speech, even if one confined oneself only to a particular aspect of his career.

But, Sir, although I would refrain from referring to the details of his other activities, I cannot help referring here to the great institution which the Poet built up at Santiniketan and to the development of which he devoted a large portion of his energy during the last phase of his life. It was his ambition to build up in this peaceful nook of Bengal, which his father Maharsi Debendra Nath had sought out decades ago, a centre of learning at which boys and girls, teachers and students might assemble not only from different parts of India, but at which teachers and learners might gather from different parts of the world as well for the cultivation of arts and sciences. The development of this institution was regarded by him as his life's mission. It is our duty, Sir, to see to it that this institution at the altar of which he was spending his life's blood, might not languish in his absence.

It is a habit with us, Sir, to forget our heroes and our leaders a short while after their death. It has taken 16 years for us to build a statue to perpetuate the memory of the late Sir Surendra Nath Banerjee whose contributions to our nation-building are inferior to no one else's. It will be, Sir, a gross act of ingratitude on the part of the people and the Government of this province if we allow the great centre of learning at Santiniketan to languish from want of financial and other kinds of support. The best way by which we could perpetuate the Poet's memory is to serve him through the great institution of which he was the sponsor and the creator.

With these few words, Sir, I associate myself with the resolution which has been moved by Sir Bijoy Prasad.

Mr. DHIRENDRA LAL BARUA: Sir, I rise to associate myself and the minority community of the Buddhists of Bengal with the letter and spirit of the resolution that has been so ably moved by the Hon'ble Leader of the House. After all that has been said by so many speakers, I do not like to waste the valuable time of the House in dwelling on the marvellous qualities of head and heart of the great Dr. Tagore. They have already reached the farthest shores and will surely be regarded as a proud legacy to mankind for ages to come. In many of his famous poems we Buddhists find delineated the spirit of Lord Buddha's universal love. In supporting the resolution I bow my head in reverence to the departed great.

Mr. KADER BAKSH: Sir, man is born to die and our Kabindra Rabindra has died a natural death. We do not mourn the death of the man. We mourn—not only Bengal mourns, not only India mourns—but the whole world mourns to-day the loss of Kabindra Rabindra. When we heard the news of his death, I am absolutely certain that tears flowed down the cheeks of every one of us. He has sailed in his "sonar tari" to an unknown world; but he has left the richest legacy behind him. He was born in an aristocratic family. But he was not proud of that. He was proud of the nobility of his character, nobility of thought and nobility of diction, nobility of the other phases of life. The greatest thing which will stand to his credit forever is the establishment of an International university at Bolpur which has not got its equal at present anywhere in India. It has attracted people from all parts of the world. People from America, England, China and Japan came there and sat by his side to drink from the fountain of knowledge.

With these words, Sir, I fully support the resolution moved by the Hon'ble Leader of the House.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, it is a great honour and privilege to be allowed to associate myself with the resolution before the House. In future, historians will make a research about the Poet's achievements and may use the materials available from the feeling references made to-day.

Reference has been made by my friend Mr. Humayun Kabir about the Poet's visit to Moscow. I am not a literatteur nor a Professor. I am interested in the labour movement and speaking from the labour point of view, I may say that on his return from Moscow the great Poet wrote a few articles in the local papers on not only the speedy advancement of mass education in Bolshevik Russia but also about the new philosophy of manual labour under Soviet regime. Sir, I have not got the wonderful memory of Khan Bahadur Abdul Karim and I cannot reproduce his exact words as he has done in the course of his eloquent tributes to the memory of the Poet. But the substance of the Poet's articles was that we Indians, particularly of the middle class and upper class, do not love our masses; our attitude towards the labour population is not what it should be and this traditional apathy towards millions of our manual workers was thoroughly criticised by him. He advised us to cultivate genuine sympathy towards manual labour. He expressed his deep sympathy for the toiling masses—particularly the working classes of India. I believe like Jesus Christ he also said, "blessed are the poor working classes and toiling masses of India".

Maulvi ABUL QUASEM: Sir, it is a great privilege to be allowed to speak a few words on this solemn and mournful occasion. A great

man has departed from the world. Bengal was privileged to have given birth to that great man. Every Bengali must feel proud of the achievements of Dr. Rabindra Nath Tagore. He was not only a national figure in Bengal, but he was an International figure.

Sir, Dr. Radha Kumud Mookerji has spoken of the contributions of Rabindra Nath Tagore to the building up of nationalism in Bengal and in India. He has spoken of the patriotic verses Rabindra Nath Tagore's Muse gave birth to in those Anti-Partition days when Bengal was struggling to be free and initiated for India a great national movement. But, Sir, it must not be forgotten that Rabindra Nath Tagore was not a nationalist in the narrow sense of the word. He was truly a poet of Intenationalism. His soul deeply sorrowed over the conflict that is going on in the world between race and race, nation and nation and community and community. He intensely desired that this incessant race conflict, nation conflict, and community conflict should for ever cease and that all the nations and races that make up mankind should be welded into one single nation. He always passionately desired the advent of that day of which Tennyson had sung, the day "when the war dreams throbbed no longer, and the battle flags were furled, in the Parliament of man, the federation of the world". He ardently wished for a Federation of the nations of the world in which all mankind should feel as one and he considered himself a citizen of that world to be, for the advent of which he laboured hard and unceasingly. A tangible expression of the faith that was in him was his great constructive work, the International university, the Visva-Bharati which he founded at Santiniketan. Here, he wanted that men, to whichever race, nation or community they might belong, should unite and meet on the common field of learning and culture and knowledge and realize the essential oneness of humanity and forget all the narrow and artificial barriers of race, creed and community. Tagore's India has made a solid contribution in the shape of the Visva-Bharati towards the fusion of the diverse races and nations into a single family, a consummation devoutly to be wished for and the whole world has accepted this centre of culture and light at Santiniketan as a treasure to be cherished and fostered.

Sir, Rabindra Nath was great in many respects. He was great as a man, great as a poet, great as a writer, great as a patriot, great as a social worker, great as a village reconstructor.

Sir, about fifteen years ago Rabindra Nath paid his memorable visit to Eastern Bengal and I happened to be residing at Dacca at the time. He delivered a soul-inspiring lecture at the Jagannath College compound. Sir, he said to the effect, "people ask me how I have been using my powers; what I have been doing for the salvation of the country, for the emancipation of our countrymen? I reply: My actual field of work is small but I feel that if in my narrow field I can

bring about what true freedom is, thereby I can bring about the freedom of entire India. In my Santiniketan, in my Sreeniketan I am trying to give concrete expression to the ideal that moves me and if there I achieve what true freedom should actually mean, I am helping India as a whole to be free".

Sir, he was not a mere poet; he was a great worker in the practical field and his noble idea, his noble work embodied in "Santiniketan" and "Sreeniketan" will bear permanent testimony to the urge that was in him to bring about the emancipation of his country not by inspiring poetry alone but by work of a constructive character born of a penetrating vision and a rich imagination.

Sir, the Leader of the Coalition Party in this Council has recited an English rendering of a poem composed by Rabindra Nath Tagore. He has given the English translation of the poem which occurs in Rabindra Nath's book "Naibedya." That was his famous prayer for India. He himself translated that poem in his own inimitable way into English and that was included in the version known as "Gitanjali" which consists of translations of poems which appear in his original Bengali books of poems known as "Gitanjali", "Kheya", "Naibedya" and "Gitimalya".

This particular poem whose English rendering has been recited by Khan Bahadur Abdul Karim is very well-known. I remember when the English "Gitanjali" was first published, at a farewell meeting Sir Guy Fleetwood-Wilson, the then Finance Member of the Government of India, recited this poem and said that India could not have a nobler ideal. With your permisison, Sir, I should like to recite this poem in Bengali.

চিত্ত যেথা ভয়শূন্য, উচচ যেথা শির
জ্ঞান যেথা মুক্ত; যেথা গৃহের প্রাচীর
আপন প্রাঙ্গণ তলে দিবস শর্ব্বরী
বসুধারে রাখে নাই খণ্ড ক্ষুদ্র করি;
যেথা বাক্য হৃদয়ের উৎসমুখ হ'তে
উচ্ছ্বসিয়া উঠে; যেথা নির্ব্বারিত স্রোতে
দেশে দেশে দিশে দিশে কর্ম্মধারা ধায়
অজস্র সহস্রবিধ চরিতার্থতায়;
যেথা তুচ্ছ আচারের মরুবালুরাশি
বিচারের স্রোতঃপথ ফেলে নাই গ্রাসি
পৌরুষেরে করেনি শতধা; নিত্য যেথা
তুমি সর্ব্ব কর্ম্ম চিন্তা আনন্দের নেতা
নিজ হস্তে নির্দয় আঘাত করি পিতঃ
ভারতেরে সেই স্বর্গে করো জাগরিত।

Sir, I whole-heartedly support this resolution.

Mr. PRESIDENT: The Chair associates itself with the homage paid to the memory of Poet Tagore by honourable members representing all sections of the House. The sad demise of Rabindra Nath at the critical juncture through which India has been passing at present, is nothing short of a national calamity and the shock is too overwhelming to permit of an adequate expression of one's feelings.

Hardly three months have elapsed when there were national rejoicings all over the country in celebration of the Poets' 81st birthday. Alas! who knew then that so soon India, nay the whole world, would be deprived of the inspiration of his all-embracing cosmopolitanism? Tagore's towering personality and lofty preachings in the cause of International concord and harmony had raised the stature of India before the whole world. He stood before his countrymen as a beacon-light ever pointing to the finer and nobler aspects of life.

At a time when disaster is fast overtaking countries and continents owing to the homicidal activities of the votaries of narrow and aggressive nationalism, the need for a man of Peace and Harmony like Tagore was supreme. Well may we echo the words uttered by Wordsworth on a similar occasion and exclaim "Tagore! Thou shouldst be living at this hour! the world hath need of thee!"

May his soul rest in peace!

I would now request the honourable members to rise in their places.

(Members rose in their seats.)

The question before the House is: that this Council places on record its deep sense of sorrow and irreparable loss on the passing away of Dr. Rabindra Nath Tagore. Humanity is poorer to-day by his death and India has been deprived of one of her noblest sons who helped the advancement of knowledge, culture and civilisation to the lasting benefit of mankind. By his international outlook on life, ceaseless search for Truth, indomitable courage in upholding the cause of the poor and the oppressed for whom he had unbounded sympathy, robust optimism and abiding faith in God, the Poet provided joy and inspiration to millions of hearts during the long years he had been with us and will continue to do so through his writings as long as literature will endure. In him has passed away a great Seer, a patriot, philosopher and a true friend of humanity.

(The resolution was unanimously agreed to.)

It will be my duty to convey the sincerest condolences of this House to the only surviving son of the Poet, Mr. Rathindranath Tagore.

Dr. RADHA KUMUD MOOKERJI: Sir, may I suggest that we do not proceed to any other item of business to-day?

Mr. HUMAYUN KABIR: Sir, I was just going to suggest the very same thing.

Mr. PRESIDENT: What is the view of the Leader of the House?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, if that is the feeling of the House, Government have no objection.

Mr. PRESIDENT: I adjourn the House till 2-15 p.m. on Monday, the 11th August, 1941.

Adjournment.

The Council then adjourned till 2-15 p.m. on Monday, the 11th August, 1941.

Members absent.

The following members were absent from the meeting held on the 8th August, 1941:—

(1) Mr. Shrish Chandra Chakraverti.
(2) Mr. Humayun Reza Chowdhury.
(3) Mr. Kamini Kumar Dutta.
(4) Khan Bahadur Syed Muhammad Ghaziul Huq.
(5) Maulana Muhammad Akram Khan.
(6) Mr. W. B. G. Laidlaw.
(7) Sir T. Lamb.
(8) Mr. J. McFarlane.
(9) Mr. Naresh Nath Mookerjee.
(10) Mr. Ranajit Pal Chowdhury.
(11) Rai Bahadur Radhica Bhusan Roy.
(12) Mr. W. F. Scott-Kerr.

B. G. Press—1941-42—6616A—750.

Second Session—No. 9.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 11th August, 1941, at 2-15 p.m., being the ninth day of the Second Session, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Collection of cesses in the Mymensingh district.

*101. **Mr. BIRENDRA KISHORE ROY CHOWDHURY:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) whether it is a fact that different cesses are being collected in the district of Mymensingh by resorting to certificate procedure on a wide scale;

(*b*) whether the number of certificates so issued has already exceeded ten thousand; and

(*c*) whether there is a widespread economic distress in the district and whether there is a rapid fall in the collection of dues from the tenants; if so, do Government propose to postpone the issue of further certificates for collecting cesses to a more prosperous year for giving relief to the distressed tenants of the district?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Certificates were issued for the realisation of arrears of cesses which accrued up to 1939-40 in accordance with rule 150 of the Bengal Tauzi Manual, 1918.

(*b*) Yes.

(*c*) There is distress in parts of the district due to partial failure of and damage to crops, on account of excessive rains. Government have decided that no certificates should be executed in the areas affected by distress this year until the situation improves sufficiently.

*This question remained unanswered during the previous Session.

Holding of meetings for election purposes.

*25. **Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN:** Will the Hon'ble Minister in charge of the Home Department be pleased to state whether in view of the impending general election Government propose to withdraw immediately the restriction on the holding of public meetings for election purposes in general?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): Government have imposed no restriction on the holding of public meetings for election purposes in general.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: May I take it that meetings for election purposes can be held without the District Magistrate's permission?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir, I do not think so.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Then what does this expression "no restriction" mean?

The Hon'ble Khwaja Sir NAZIMUDDIN: It means that permission will be automatically given if the meeting is held for the purpose of a general election.

Mr. LALIT CHANDRA DAS: Does it not follow that this restriction extends to meetings held for election purposes?

The Hon'ble Khwaja Sir NAZIMUDDIN: Technically it may be so.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to issue instructions in that case that all meetings in connection with Parliamentary work may be permitted automatically?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir. I am here answering a question about meetings held for general election only.

Mr. HUMAYUN KABIR: In view of the fact that general elections are problematic this year, are permissions also problematic?

The Hon'ble Khwaja Sir NAZIMUDDIN: Well, if there are no general elections, then no meetings will be held for general election purposes.

Khan Bahadur NAZIRUDDIN AHMAD: Can there be no general election meeting without a general election taking place? (Laughter.)

Mr. HUMAYUN KABIR: Are not all meetings in criticism of the policy of the Ministry meetings with a view to bringing about a general election?

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly. So far as meetings in criticism of the policy of the Ministry are concerned, it is to be understood that restriction on such meetings will not be imposed by the District Magistrate.

Training of Munsiffs in criminal work.

29. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Judicial Department be pleased to state—

(*a*) what is the purpose and object in view in regard to the training of Munsiffs for trying criminal cases;

(*b*) what is the number of officers selected up to now and what is the number of officers passed over in the process of selection;

(*c*) whether the Government consider the desirability of giving the training to all Munsiffs whose confidential reports show that they are not below average; and

(*d*) whether the junior Munsiffs have been already given criminal training during their probationary period of 2 years; if so, whether the Government propose to make another selection out of them for further criminal training?

MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) For the training of Munsiffs in criminal work so as to make them more fit for employment as Assistant Sessions Judges.

(*b*) 23 and 58.

(*c*) No.

(*d*) Munsiffs during their period of probation of two years will remain for two months on training in magisterial work. A selection will be made out of them after they have completed their probationary period and have worked for 10 to 12 years as Munsiffs.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state on what principle selection made?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Selection is made on the principle of merit.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state if confidential reports of the officers are consulted at the time of selection?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Yes, both confidential reports as well as merit are considered.

Civic Guards in Calcutta.

30. Mr. BIRENDRA KISHORE ROY CHOWDHURY: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) the total number of Civic Guards in Calcutta;

(*b*) the total number of District Commandants and Civic Guard Commandants in Calcutta;

(*c*) what authority was responsible for the appointment of the District and Civic Guard Commandants;

(*d*) the age and qualifications of these District and Civic Guard Commandants; and

(*e*) what allowance is paid to the District and Civic Guard Commandants, Group Commanders and Civic Guards?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) 5,383.

(*b*) 24 District Commandants; 30 Civic Guard Commandants.

(*c*) The Commissioner of Police.

(*d*) There are no rules regarding age and qualifications, but officers have been selected from among men of standing and influence. A list of the officers is appended.

(*e*) Re. 1 a day for officers and annas 6 a day for the guards, when called out on duty lasting for more than two hours a day.

Statement referred to in reply to question No. 30.

LIST OF DISTRICT COMMANDANTS, CIVIC GUARD COMMANDANTS AND ADDITIONAL CIVIC GUARD COMMANDANTS.

(1) Shampukur district—

District Commandant—Rai Bahadur Ashutosh Ghose, J.P.

Civic Guard Commandant—Mr. Dhirendra Nath Sen.

(2) Jorabagan district—

District Commandant—Sir Hari Sankar Paul, M.L.A.

Civic Guard Commandant—Mr. Radha Nath Chandra.

Additional Civic Guard Commandant—Mr. Pasupati Dhur.

(3) Burtolla district—

District Commandant—Dr. Giris Chandra Ghosh.

Civic Guard Commandant—Mr. S. N. Bhose, M.A., B.L.

(4) Burrabazar district—

District Commandant—Mr. K. L. Jatia.

Civic Guard Commandant—Mr. B. D. Bhuttar.

Additional Civic Guard Commandant—Mr. D. P. Singh.

(5) Jorasanko district—

District Commandant—Hon'ble Hajee Abdul Razak Abdul Suttar, M.C.S.

Civic Guard Commandant—Nil.

(6) Amherst Street district—

District Commandant—Dr. S. C. Law, M.A., PH.D.

Civic Guard Commandant—Mr. Kanai Lal Mandal, B.A.

(7) Hare Street district—

District Commandant—Mr. S. M. Oonvala.

Civic Guard Commandant—Mr. J. J. Modi.

Additional Civic Guard Commandant—Mr. F. A. Dignum.

(8) Bowbazar district—

District Commandant—Khan Bahadur Fazle Ellahi, M.L.C.

Civic Guard Commandant—Mr. Ziauddin Ahmed.

(9) Muchipara district—

District Commandant—Major P. Bardhan, M.B., M.R.C.P., F.R.C.S.

Civic Guard Commandant—Mr. N. C. Ghosh.

Additional Civic Guard Commandant—Mr. K. C. Boral.

(10) Taltolla district—

District Commandant—Mr. Syed Afzal, B.A., B.L.

Civic Guard Commandant—Mr. Tek Chand.

(11) Park Street district—

District Commandant—Mr. M. G. Stevens.

Civic Guard Commandant—Mr. O. W. Elkin.

Additional Civic Guard Commandants—(1) Mr. S. H. Oonvala and (2) Mr. C. D. Ferrier.

(12) Hastings district—

District Commandant—Rai Bahadur P. N. Mukerjee, M.A., C.B.E.

Civic Guard Commandant—Rai Bahadur K. N. Khandelwal, B.L.

(13) Cossipore district—

District Commandant—Mr. F. M. W. Gow.

Civic Guard Commandant—Mr. S. C. Roy.

(14) Chitpore district—

District Commandant—Dr. Sadeque Hossain.

Civic Guard Commandant—Mr. P. H. Subawalla.

(15) Manicktolla district—

District Commandant—Mr. Pulin Behary Mulick, M.A., B.L., M.L.A.

Civic Guard Commandant—Mr. Sunil Kumar Saha.

(16) Belliaghata district—

District Commandant—Nawabzada Kamruddin Haider, B.A.

Civic Guard Commandant—Mr. Bistupada Ghosh, B.SC., B.L.

(17) Entally district—

District Commandant—Mr. C. Griffiths, M.L.A.

Civic Guard Commandant—Mr. P. K. Sarkar.

Additional Civic Guard Commandant—Mr. S. K. H. Zaidi.

(18) Beniapukur district—

District Commandant—Khan Bahadur Badruddin Ahmed.

Civic Guard Commandant—Mr. M. M. Effendi, B.L.

(19) Ballygunge district—

District Commandant—Mr. W. C. Wordsworth, M.A., M.L.A.

Civic Guard Commandant—Mr. P. C. Roy, M.A., B.L.

Additional Civic Guard Commandants—(1) Capt. J. Buchanan and (2) Mr. S. K. Bajpaie.

(20) Bhowanipore district—

District Commandant—Mr. N. Ghatak, M.B.E., BAR.-AT-LAW.

Civic Guard Commandant—Rai Bahadur N. R. Mukerjee, B.C.S.

Additional Civic Guard Commandant—Mr. P. D. Banerjee.

(21) Tollygunge district—

District Commandant—Mr. N. C. Chatterjee.

Civic Guard Commandant—Mr. Bejoy Krishna Majumdar.

(22) Alipore district—

District Commandant—Mr. B. N. Roy Chowdhury, M.A., B.L., BAR.-AT-LAW.

Civic Guard Commandant—Mr. D. N. Sinha, B.A., BAR.-AT-LAW.

(23) Watgunge district—

District Commandant—Mr. B. C. Ghosh.

Civic Guard Commandant—Mr. Ushanath Sen, B.SC., B.L.

(24) Garden Reach district—

District Commandant—Mr. Unsuddowla, BAR.-AT-LAW.

Civic Guard Commandant—Sahibzada Muhammad Mustafa Ali Mirza, B.A.

Rai Bahadur KESHAB CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state the number of officers that are appointed under the Civic Guards Ordinance of 1940 or under the rules framed thereunder—the number of officers that the Civic Guard Organisation is entitled to employ and their designation?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Rai Bahadur KESHAB CHANDRA BANERJEE: Is it a fact that in several districts Secretaries have been appointed to the Civic Guards Organisation?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I submit this question refers to civic guards in Calcutta: the honourable member is not entitled to ask question regarding civic guards in the districts.

Rai Bahadur KESHAB CHANDRA BANERJEE: My question is whether Secretaries are appointed in the Civic Guard Organisation in the various districts of Calcutta, not mofussil districts, under the Civic Guard Ordinance of 1940?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Rai Bahadur KESHAB CHANDRA BANERJEE: Is such appointment contemplated under the Ordinance or rules framed thereunder?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, this question was not specifically raised and I want notice for this.

The Bengal Suppression of Immoral Traffic Act, 1933.

31. Khan Bahadur NAZIRUDDIN AHMAD: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) the districts or other areas in Bengal where the provisions of the Bengal Suppression of Immoral Traffic Act, 1933 (Act VI of 1933) are in force by virtue of notification under sub-section (3) of section 1 of the Act;

(*b*) the districts or other areas in Eastern Bengal where the provisions of the Eastern Bengal and Assam Disorderly Houses Act, 1907 (Act II of 1907) are now applicable;

(*c*) the district or other areas in Bengal, if any, where neither the provision of the Bengal Suppression of Immoral Traffic Act, 1933, nor those of the Eastern Bengal and Assam Disorderly Houses Act, 1907, are in force; and

(*d*) whether the Government consider it desirable to extend the appropriate provisions of the Bengal Suppression of Immoral Traffic Act, 1933, to areas—

(*i*) where none of the said Acts are in force, and

(*ii*) where the provisions of the Eastern Bengal and Assam Disorderly Houses Act, 1907, are applicable?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) The whole of the Act has been extended to Calcutta and the Panihati Municipality in the district of the 24-Parganas, while some of the sections of the Act have been extended to the district of Tippera and to certain mauzas of Tarakeswar police-station of the district of Hooghly.

(*b*) By virtue of clause (2) of section 1, the Act extends to all municipal areas. It has also been extended to the following places:—

(1) Bolepur, Rampurhat and Sainthia towns in the district of Birbhum,

(2) Kaisiais mauza in the district of Chittagong,

(3) Certain local areas in the Munshiganj subdivision of the Dacca district,

(4) Goalundo (Eastern Bengal Railway river terminus) and Gopalganj village in the district of Faridpur,

(5) Alipore Duars Civil Station in the district of Jalpaiguri,

(6) Bongaon town in the district of Jessore,

(7) Shahzadpur and certain areas of Ullapara in the district of Pabna,

(8) Nine mauzas of Rajshahi district,

(9) Nilphamari town and eleven mauzas of Rangpur district,

(10) Two mauzas of Tippera district,

(11) Certain areas of Sadar and Uluberia subdivision of the Howrah district,

(12) Certain areas within Panchbibi police-station in the district of Bogra, and

(13) Town of Chuadanga in the Nadia district.

(*c*) Areas other than those mentioned above.

(*d*) There is no objection to the Act being extended to these areas if the local officers consider its extension necessary, provided this does not entail entertainment of additional police staff for the working of the Act to those places.

Orders of restrictions under the Defence of India Act.

32. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) the total number of persons whose movements have been restricted in Bengal under the Defence of India Act;

(*ii*) the total number of persons who have been taken into custody and detained under the operation of the same law;

(*iii*) the total number of persons so far arrested, convicted and sentenced in Bengal under the same Act;

(*iv*) the total number of persons, called terrorist prisoners, now in Jail;

(*v*) the total number of persons who are made to attend thana now; and

(*vi*) the total number of Khaksars restrained, convicted, detained or imprisoned?

(*b*) How many of the persons taken into custody, detained, imprisoned, convicted or restrained are Muslims, and how many Hindus?

(*c*) How many persons altogether have been externed so far from Bengal under the Defence of India Act?

(*d*) Are the Government aware that there is a widespread apprehension that the Defence of India Act is being misapplied to the consternation of a particular community beyond the stress and exigencies of the present situation?

(*e*) Do the Government propose to consider the desirability of instituting an Enquiry Committee to go into the cases of all the sufferers under the Defence of India Act and to make such recommendations for them including release, wherever proper, as may be deemed fit and proper by them? If not, will the Hon'ble Minister be pleased to state the reasons therefor?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Up to the end of June, 1941—1,214.

(*ii*) Taken into custody (Defence of India Rule 129)—281.

Detained (Defence of India Rule 26)—222.

(*iii*) The total figure of those arrested is not available. Those convicted and sentenced number 1,211.

(*iv*) Sixty-seven.

(*v*) The figure is included under (*i*) above but is not separately available.

(*vi*) Nil.

(*b*) The information desired by the honourable member is not readily available and to obtain it would involve an expenditure of time, labour and money which I am not prepared to undertake.

(*c*) Eighteen.

(*d*) No.

(*e*) No, the circumstances do not warrant it.

Mr. LALIT CHANDRA DAS: Arising out of (*v*), was any attempt made to get at the figure? Was it written for and asked for from the District Officers?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Mr. LALIT CHANDRA DAS: Why was no such attempt made?

The Hon'ble Khwaja Sir NAZIMUDDIN: Because, as I have said, it would involve a lot of time, labour and money.

Mr. LALIT CHANDRA DAS: You have not said so in reference to question "(*a*)(*v*)" but in connection with question (*b*), which latter is altogether a different question?

The Hon'ble Khwaja Sir NAZIMUDDIN: Quite true, but the reasons are the same.

Mr. LALIT CHANDRA DAS: Arising out of (*b*), will the Hon'ble Minister be pleased to tell us what would be the probable expenditure in money—I do not speak of time and labour—that may be required for the purpose of securing the figures as to how many of the persons taken into custody detained, imprisoned, convicted or restrained are Muslims and how many Hindus?

The Hon'ble Khwaja Sir NAZIMUDDIN: I regret I cannot give even an approximate idea.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether any attempt was made to refer the matter to the District Officers to get the necessary information?

The Hon'ble Khwaja Sir NAZIMUDDIN: It won't be enough merely to write to the District Officers. All Subdivisional Officers will have to be written too.

Mr. LALIT CHANDRA DAS: May I ask the Hon'ble Minister where was the difficulty in making these enquiries?

The Hon'ble Khwaja Sir NAZIMUDDIN: Well, the difficulty is, as I have said, in answer to (*b*).

Mr. LALIT CHANDRA DAS: Then it is clear that this stereotyped answer has been given because Government are not willing to answer the question direct.

Mr. HUMAYUN KABIR: Were the answers to questions (*a*) (*i*), (*ii*), (*iii*), (*iv*), (*v*) and (*vi*) obtained as a result of writing to the districts and subdivisions?

The Hon'ble Khwaja Sir NAZIMUDDIN: Very likely these figures were available in office here.

Mr. HUMAYUN KABIR: At the time of such writing, or, even if the figures were available in office, could not an answer to (*b*) also be made available simultaneously?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir, because they are not kept separately here.

Cost of Civic Guard organisation.

34. Mr. BIRENDRA KISHORE ROY CHOWDHURY: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) the amount spent so far by the Government of Bengal upon Civic Guard organisation in Calcutta;

(*b*) the procedure according to which every Civic Guard district in Calcutta received the grant;

(*c*) the procedure according to which the return of expenses is submitted by the Civic Guard authorities in each district;

(*d*) the person responsible for expenses in each district; and

(*e*) if any arrangement has been made for auditing accounts kept by the Civic Guard authorities?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*)—

1940-41—Rs.28,439-11-3.

1941-42 up to 30th June, 1941—Rs.26,322-7.

(*b*) Expenditure varies with the number of guards enrolled in each district, and is influenced also by the number of times guards are called out on duty.

(*c*) The main items of expenditure are (*i*) clothing and (*ii*) allowance for patrol work.

In the case of (*i*), each District Commandant is permitted to buy a specified number of kits and the bill is sent to the Commissioner of Police for payment. The District Commandant gives a certificate that the kit has been received and issued.

In the case of (*ii*), the bills are prepared from rosters kept by Group Commanders which are checked by the District Commandant.

(*d*) The Commissioner of Police is the person ultimately responsible.

(*e*) The Civic Guard accounts are audited in the same way as the Police accounts. I may add, Sir, that pre-audit is done by the Accountant-General, Bengal, in cases of all bills over Rs. 25 and in a certain number, I believe, even in the case of bills under Rs. 25 they are also checked and audited by the Accountant-General, Bengal.

Khan Bahadur ATAUR RAHMAN: Does it include the travelling allowances drawn by the District and Subdivisional Officers in looking after the civic guards?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir. They do so in the normal course of their duties.

Rai Bahadur KESHAB CHANDRA BANERJEE: Does the Government pay for the clerks maintained by the civic guard authorities in Calcutta? Are there any such posts?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Confirmation of Sub-Deputy Collectors.

85. Khan Bahadur MUHAMMAD ASAF KHAN: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state what is the principle underlying the confirmations of Sub-Deputy Collectors in Bengal Junior Civil Service?

(*b*) How many Sub-Deputy Collectors are still on probation in Bengal, and when are they likely to be confirmed?

(*c*) How many Sub-Deputy Collectors who have put in two years' service or more in Bengal, are still kept on probation and have not yet been confirmed? How many of them have passed the higher Standard Departmental Examination?

(*d*) What are the reasons for such unusual delay in their confirmation?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) The conditions precedent to confirmation are stated in rule 3 of Appendix XVIII of the Departmental Examination Rules as revised in Notification No. 274F., dated the 3rd February, 1939. A copy of the revised rule is laid on the Table.

(*b*) There are 131 officers of the Bengal Junior Civil Service on probation. Of these, 61 have not completed the prescribed probationary periods and 58 have not fulfilled one or more of the other conditions referred to.

Orders in respect of the remaining 12 will issue shortly and the cases of the other 119 will be considered as soon as all the necessary conditions have been fulfilled.

(*c*) Sixty-seven officers. Of these, 60 have passed the higher standard of the departmental examination.

(*d*) There has been no delay in view of the fact that the results of the last departmental examination were published on the 10th July, 1941.

Statement referred to in the reply to question No. 35.

APPENDIX XVIII OF THE DEPARTMENTAL EXAMINATION RULES.

* * * * * *

Rule 3.—A probationer in the Bengal Junior Civil Service will draw during the first two years of his service the minimum of the time-scale of that service. On the completion of two years' service he will be confirmed and admitted to the stage of the time-scale next but one above that in which he was appointed, provided that—

(*i*) he has passed the prescribed departmental examination by the lower and higher standards;

(*ii*) he has submitted the prescribed records of cases to the satisfaction of the Legal Remembrancer;

(*iii*) he has submitted the prescribed treasury training certificate; and

(*iv*) he is considered by Government to be fit in all respects for confirmation.

Khan Bahadur MD. ASAF KHAN: Is there any time-limit for the probationers?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe so.

Khan Bahadur MD. ASAF KHAN: May I ask what is the time-limit?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Short-Notice Question and Answer thereto.

Maintenance allowance for the wife and children of security prisoner, Sj. Susil Kumar Banerjee.

Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether Mrs. Profulla Rani Devi of 16A, Richee Road, Ballygunge, formerly of 12/1, Kali Das Patitundi Lane, Calcutta, wife of Sj. Susil Kumar Banerjee, a security prisoner, has filed two petitions to the Government, one to the Hon'ble Minister in charge of the Home Department on the 13th June, 1941, and the other to the Additional Secretary, Political Department, through the Deputy Commissioner of Police,

Special Branch, on the 11th June, 1941, praying for maintenance allowance for herself and her four children, stating elaborately her grounds for such a claim?

(*b*) Is it a fact that by this time, the police made several enquiries and paid several visits to her house? Has police enquiry been finished? If not, when will it be finished?

(*c*) Are the Government aware that the said petitioner with her children is passing very hard days?

(*d*) Have Government passed final order on her petition?

(*e*) If so, has any allowance been granted? If so, what is the amount of the allowance granted and what was the amount claimed by the petitioner? If not, what are the grounds for refusal to grant sustenance allowance to them?

(*f*) If the reply to part (*d*) is in the negative, when is the order on the petition expected? Will Government be pleased to expedite?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) One such petition to the Additional Secretary, Home Department, has been forwarded. It was submitted by Profulla Rani Devi, wife of security prisoner, Susil Kumar Banerjee.

(*b*) Enquiries made by the police have been concluded.

(*c*) No: but it is reported that the family of the prisoner are unwilling, though able, to maintain his wife and children.

(*d*) to (*f*) No order has yet been passed, but the case is under consideration and order will be passed shortly.

Mr. LALIT CHANDRA DAS: With reference to (*c*), is the Hon'ble Minister aware that the family of the security prisoner is not legally bound to maintain the petitioner in any way?

The Hon'ble Khwaja Sir NAZIMUDDIN: I know that, Sir.

Mr. LALIT CHANDRA DAS: Is the Hon'ble Minister aware that the petitioner was married to the security prisoner in question under the Civil Marriage Act?

The Hon'ble Khwaja Sir NAZIMUDDIN: I know the family, Sir. This is correct.

Mr. LALIT CHANDRA DAS: Is the Hon'ble Minister further aware that the brothers of the security prisoner were living separate from him since that marriage and that in a manner she has been ex-communicated?

The Hon'ble Khwaja Sir NAZIMUDDIN: Actually that is not so; but I believe that since the security prisoner contracted this civil marriage it has led to loss of sympathy for him by other members of his family to some extent.

Mr. LALIT CHANDRA DAS: May I for the information of the Hon'ble Minister inform him that, as a matter of fact the petitioner turned up at my house yesterday and I found her very much emaciated along with her children and that it is expedient that the Hon'ble Minister be good enough to take the petitioner's condition into consideration and pass the necessary orders soon.

The Hon'ble Khwaja Sir NAZIMUDDIN: I hope orders will be passed in a day or two.

Mr. LALIT CHANDRA DAS: Thank you.

Messages from the Bengal Legislative Assembly.

Mr. PRESIDENT: Secretary will now read the messages received from the Assembly.

SECRETARY to the COUNCIL (Dr. S. K. Dutta Gupta): Sir, the following messages have been received from the Bengal Legislative Assembly:—

"The St. Thomas' School (Amendment) Bill, 1941, as passed by the Bengal Legislative Assembly at its meeting held on the 30th July, 1941, has been duly signed by me, and is annexed herewith. The concurrence of the Bengal Legislative Council to the Bill is requested.

"The Bengal Court of Wards (Amendment) Bill, 1941, as passed by the Bengal Legislative Assembly at its meeting held on the 30th July, 1941, has been duly signed by me and is annexed herewith. The concurrence of the Bengal Legislative Council to the Bill is requested.

M. AZIZUL HAQUE,

Speaker, Bengal Legislative Assembly."

Sir, I herewith lay on the Table the St. Thomas' School (Amendment) Bill, 1941, and the Bengal Court of Wards (Amendment) Bill, 1941, which were passed at the meeting of the Bengal Legislative Assembly at its meeting held on the 30th July, 1941.

NOTICE OF MOTIONS REGARDING GOVERNMENT BILLS.

The Calcutta and Suburban Police (Amendment) Bill, 1941.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to introduce the Calcutta and Suburban Police (Amendment) Bill, 1941.

The Secretary then read the short title of the Bill.

Mr. PRESIDENT: The Bill is introduced.

The Hon'ble Khwaja Sir NAZIMUDDIN: I also beg to give notice that on the 28th August next I shall move that the Bill be taken into consideration.

I ask your permission, Sir, to move this motion at short notice. This Bill was to have been moved on the 7th August, but as the Council was adjourned on that day as a mark of respect to the memory of Dr. Rabindranath Tagore, this could not be done.

I also beg to give further notice that if I have your permission and if my motion be passed on the 28th August, then I shall move on the 2nd September, 1941, that the Bill be taken into consideration and passed.

The Bengal Court of Wards (Amendment) Bill, 1941.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I have the honour to give notice that during the current session of the Bengal Legislative Council, I shall move that the Bengal Court of Wards (Amendment) Bill, 1941, as passed by the Bengal Legislative Assembly, be taken into consideration and passed, as settled in the Council.

The Bengal State Aid to Industries (Amendment) Bill, 1941.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I beg to introduce the Bengal State Aid to Industries (Amendment) Bill, 1941.

The Secretary then read the short title of the Bill.

Mr. PRESIDENT: The Bill is introduced.

The Hon'ble Mr. TAMIZUDDIN KHAN: I also beg to give notice that on the 28th August, 1941, I shall move that the said Bill be taken into consideration.

May I submit that this notice is rather short by a few days, but the reason is the same as that advanced by my colleague the Hon'ble the Home Minister in respect of his Bill. Will you, therefore, be pleased to accept the notice?

Mr. PRESIDENT: All right.

The Bengal Land Revenue Commission Report.

Mr. PRESIDENT: The House will now take up the Bengal Land Revenue Commission Report for discussion.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I have the honour to move that the report of the Bengal Land Revenue Commission be taken into consideration.

Sir, the object of the motion tabled by Government——

Mr. HUMAYUN KABIR: On a point of information, Sir. The Hon'ble Leader of the House has moved that the report of the Bengal Land Revenue Commission be taken into consideration. Will amendment of the type that the report be accepted or rejected be in order?

Mr. PRESIDENT: No.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: As I was submitting, Sir, the object of the motion tabled by Government is to afford an opportunity to the House to express its opinion on the far-reaching recommendations of the Land Revenue Commission affecting the life of over 80 per cent. of the people of this province so that Government might in framing their policy take into consideration the views expressed by the popular representatives.

The object of Government in appointing this Commission was to find ways and means for improving the economic condition of the agriculturists of Bengal and to ascertain incidentally how far the Permanent Settlement had affected prejudicially or otherwise their economic position and the revenues of the province and whether it was possible and desirable to bring about a modification in the Permanent Settlement so as to improve the financial resources of Bengal and the economic condition of the actual tiller of the soil by eliminating the intermediaries between the State and the cultivator.

The main recommendations of the Commission may be divided into four heads, *viz.*—

(1) State acquisition of all zemindaries and rent-receiving interests above the lowest grade of cash-paying under-*raiyats;*

(2) imposition of agricultural income-tax;

(3) tenancy reforms;

(4) measure for improving the economic condition of the cultivators.

Of these, Nos. (1) and (2) are of primary importance. Recommendations on the remaining two heads are more or less ancillary to them. I, therefore, propose to confine myself to recommendations under these two heads.

Sir, the majority of members of the Commission came to the conclusion that the defects in the present system were such that they could not be remedied by mere tinkering and that the only solution lay in the abolition of the system by acquiring all rent-receiving interests and thus bringing the actual cultivators into the position of tenants holding directly under Government, provided that a practical scheme of State purchase could be devised on reasonable terms.

In this connection the Commission also observed that it is difficult to separate the results of the Permanent Settlement from the operation of other causes on the economic condition of the cultivating classes and certainly not the Permanent Settlement alone, had been responsible for the general poverty and indebtedness of the agricultural population in Bengal.

In recommending the abolition of the Permanent Settlement and acquisition of all rent-receiving interests the majority of the Commission recognised that the proposal involved a fundamental change in the rural economy of Bengal affecting virtually the whole social and economic structure of the province and it can only be carried out gradually over a number of years and that it would be a most formidable administrative undertaking which will tax to the full all the resources of Bengal.

Then, Sir, in the opinion of the Commission the economic difficulties of the agriculturists are primarily due to the ever-increasing pressure of population on land and to the fact that there is not sufficient land to go round. Four-fifths of the cultivated land is sown with only one crop and in the absence of any subsidiary occupation the cultivators have to sit idle during major part of the year. The result of enquiries regarding the economic condition of 20,000 families shows that the average cultivated area per family, including the families of agricultural labourers, is about 4½ acres and that the percentage of families holding between 2 acres or less is 41·9 and the percentage holding between 2 and 4 acres is 20·6. Only one-fifth of the agricultural population has just sufficient land for their maintenance in moderate comfort, but without any margin for unforeseen expenditure. But the Commission observes that though the pressure on land is greater in Bengal than in any other province except Bihar, it is unquestionable that Bengal has a more fertile soil and greater climatic advantages than

the other provinces and no province can produce better crops by irrigation than the areas of Bengal in which there is sufficient rainfall. In the United Provinces, Madras and the Punjab the cultivators have to work much harder for crops which are less valuable than those grown in Bengal. On an examination of the economic condition of the cultivators in these provinces, the Commission has unhesitatingly come to the conclusion that the cultivators of Bengal are on the whole better off. The Punjab villages appeared to the Commission to be more prosperous than the average Bengal village because in the former the cultivators have the advantage of good physique, more nourishing food, and a more invigorating climate and also because they enjoy large sums in the shape of military pensions.

The minority members of the Commission on the other hand felt that socially, economically and financially State acquisition would be a hazardous experiment and such a scheme should not be framed unless it could be clearly demonstrated that the cultivators would benefit by it.

According to the minority report the present economic difficulties of the cultivators are unconnected with the land revenue system. The difficulties are mainly due to—

(1) increase in pressure of population,

(2) Hindu and Muslim laws of inheritance,

(3) the under-employment of cultivators for a greater part of the year, and

(4) fall in agricultural prices since 1929.

These problems, according to the minority report, have to be faced, whatever may be the nature of the land revenue system of the country. On the other hand occupancy-*raiyats* in Bengal pay lower rates of rent but enjoy greater privileges and protection than the tenants in other provinces. According to the minority report subinfeudation has led to a wide distribution of agricultural income and has given an interest in land to a large number of middle-class people. By large State purchase these people will be deprived of all connections with land resulting in a social upheaval. The compensation that they will receive will be insufficient to induce them to invest their money in industrial concerns. They will either squander the money or re-invest it in land by purchasing occupancy holdings resulting in the formation of landlordism in the lower strata.

Before inviting your attention to the analysis of Mr. Gurner of the financial implications of State purchase, I think I should explain fully the scheme of State acquisition as suggested by the majority of the members of the Commission.

The Commission is agreed that in any scheme of State acquisition it is desirable to remove not only the zemindars, but also all grades of tenure-holders and the interests of *raiyats* or under-*raiyats* in respect of the area which they have sublet. As regards *bargadars*, the Commission observes that although the majority of the members are in favour of making them direct tenants of Government, they are unable to recommend that this policy should be adopted until the interests above the lowest grade of cash-paying tenants have been acquired and until legislation has been passed giving tenancy rights to *bargadars* and fair rents are fixed for them.

The Commission is not unanimous in its finding as to the principles on which compensation should be paid, but it is agreed that compensation must be fixed as required by section 299 of the Government of India Act. The rate which receives more support than any other among the members of the Commission is 10 times, the remaining members propose 12 and 15 times. In the case of *wakf*, *debattar* and other estates devoted to religious, charitable or educational endowments it is, however, agreed by all members that compensation should be at a level which would produce the existing income, *i.e.*, at 25 times if interest is taken at 4 per cent.

Mr. Gurner postulates that if the scheme of State acquisition is to go through at all, and the constitutional position being what it is, compulsory purchase can only be organised on approximately fair payment to the parties whose interests are bought out. As regards the rate of compensation, he observes that unless the rate is so pitched that the number of landholders injuriously affected will be relatively small, there is bound to be widespread discontent. He is of opinion that if compensation is to be fair and equitable on the whole and not to involve a good deal of expropriation, the flat rate of compensation should not go below 15 years' purchase of theoretical net profit as recommended in the note of dissent of Sir Frederic Sachse and Mr. Carter. He also suggests that small rent-free holders should be allowed to retain their *khas* lands as free-hold and that all rent-free *raiyats* should be offered a free-hold in his land in return for moderate payment. He frankly recognises that in the highly specialised question of land valuation, if something more scientific and precise is required expert professional opinion should be taken by Government.

The Commission is agreed that in principle it would be better to pay compensation in cash, although it is realised that this method of payment might involve greater financial difficulties; if bonds were issued, the market would operate to put a valuation on them and it is possible that their face value might depreciate. Another strong objection to the issue of bonds is that it would involve serious administrative difficulties. But the issue of bonds in respect of wakf, *debattar* and other trust properties has been recommended. An alternative recommendation of the Commission is that in case Government are unable

to pay in cash, bonds may be issued subject to the provision that small amounts up to Rs. 500 should be paid in cash.

According to the Commission's analysis of the results of State acquisition, there will be an estimated profit of 2·23 crores by paying compensation at 10 times the net profit, 1·47 crores at 12 times and ·33 crores at 15 times.

The cost of acquiring such portions of *raiyati* or under-*raiyati* interests as have been sublet has been estimated to be 9 crores, but this sum has not been included in the calculation because it is not certain whether the existing rents paid by the lowest grade of under-*raiyats* would be considered under State management to be fair and equitable, or whether they would have to be reduced.

The Commission has not attempted to give any estimate of acquiring the interests of landlords of *bargadars*. But it is pointed out that if compensation were paid to the landlords of *bargadars* on the difference between the rate of rent they themselves pay and the value of the share of the produce which they receive from their *bargadars*, the sum involved would be so great to make any scheme of acquisition impossible.

It has been pointed out that State acquisition will inevitably lead to a decrease in stamp revenue, as there will be a substantial reduction in title suits and rent suits from which the bulk of stamp revenue is derived. But the Commission did not find it possible to give any estimate of the loss of stamp revenue.

The Commission is aware of the immense financial difficulties that will be involved to Government in carrying out an operation of such magnitude. It has been emphasised that although financial results will have to be carefully considered, it does not support a scheme of State acquisition that it may lead to a financial gain. If it resulted in a financial gain, that would be an additional advantage, but the recommendation is based on other more vital consideration. At the same time it has been realised that it would not be possible to carry out the scheme without reducing by half or even more, the present income of the landlords according as compensation is paid at 15·12 or 10 times the net profit. And the Commission is not unmindful of the possible social upheaval which may ensue if many of the middle classes lose their vested interests in land.

Mr. Gurner points out that the estimates of the Commission are of little value and the prospect of profit out of the transaction illusory for the reasons (1) that they do not correspond with the Commission's own proposals to carry compulsory purchase as far as the lowest cash-paying under-*raiyat* or even *bargadar* and (2) that they omit many items of material and necessary expenditure. Mr. Gurner has pointed out several factors which will materially affect the Commission's financial

analysis. The Revenue Department have worked out the loss accounts under (*i*) additional cost for *wakf*, *debattar* and other trust properties, (*ii*) fall in stamp revenue, (3) additional cost for acquiring rent-receiving interests above the lowest grade of cash-paying under-*raiyats* and (4) loss on account of the landlords' share of education cess. It has been found that the total loss under these heads will come to 2·83 crores. Hence the increase of 2·23 crores as estimated by the Commission on the basis of compensation at 10 times the net income will be reduced to an annual deficit of 60 lakhs. On the basis of 15 years' purchase, there will be an annual deficit of 3;36 crores for 60 years. And what are the prospects of a gain after the expiry of 60 years when the entire loan is expected to be paid off? The Commission finds that there is the risk that the level of rent may become the subject of electioneering campaign and that the tenants whose votes control the Legislature will not tax themselves sufficiently if Government become the sole landlord. Mr. Gurner thinks that this apprehension will discourage expenditure on improvement works as is clear from the recent experience with the Damodar Canal Project. He observes that there is, in fact, only too much reason to fear that the political influences of the rent-paying classes will result in a depreciation of rental values far below the basis assumed in the Commission's estimate and that apart from the danger of general reduction, the leniency of Government as landlord in times of natural calamities must also be reckoned with. From a general review of the tendencies of collection of land-revenue, he draws the conclusion that in case of Government management of all zemindaries, collection will deteriorate.

I shall now place before you certain facts for a proper appreciation of some of the arguments in the report of the Commission:—

(I) It will not be correct to say that the land revenue has remained inelastic for 150 years. The existing assessment on account of road and public works cesses which was imposed in 1871 is about a crore and if the cess under the Bengal (Rural) Primary Education Act, 1930, is levied in all the districts there will be an additional assessment of about 1¼ crores. Thus there will be an addition of about two-thirds of the present land revenue demand of 3·15 crores in course of 70 years or an increase by 66 per cent. within that period.

It is also desirable to find out what percentage land revenue in Bengal forms of the total provincial revenue. It is 30·8 per cent., excluding the contribution of jute duty by the Government of India, as against 31·2 per cent. in Madras, 25 per cent. in the Punjab, 47 per cent. in the United Provinces and 28·1 per cent. in Bombay. Of these provinces the United Provinces have 10 per cent. permanently settled as against 90 per cent. temporarily-settled area, Bombay and Punjab are exclusively *raiyati* provinces and Madras is only one-third permanently-settled and two-thirds temporarily-settled. In terms of

total rental value the land revenue in Bengal is 25 per cent. as against 17 per cent. in Madras, 27 per cent. in the United Provinces and 25 per cent. in the Punjab.

Considering the level of rents obtaining in the Provinces of Madras, the United Provinces and the Punjab, the value of produce and the prevailing economic conditions, the Commission is of opinion that there would be justification for enhancement rather than reduction of rent in Bengal. Although Mr. Gurner is definitely of opinion that the financial prospects of State purchase are illusory, he observes that these are the risks which the country must face if it is to try out the full value of Provincial Autonomy and that the ability of the rent-payer as citizen to maintain the assets of the State as landlord will be the acid test of political capacity. But Mr. Gurner has advised Government against taking an irrevocable step but only to make a cautious move with a self-contained experimental measure which would not imply financial disaster if the results proved a failure or the policy were subsequently reversed. To do otherwise would be to repeat, in revising the Permanent Settlement, the mistake which marred its introduction, of applying to the whole province a pre-conceived theory of agrarian reform which has not been sufficiently tested in actual working. He has, therefore, proposed that legislation should take general powers to be brought into force in such areas and at such time as the Government may decide from time to time.

The next important recommendation of the Commission is imposition of agricultural income-tax either as a transitional measure until completion of State purchase or as a permanent measure if Government decide against purchase. The Commission is strongly of opinion that such a tax, if imposed, should be solely for the improvement of agriculture or for projects connected with agricultural improvement.

The minority view is against imposition of agricultural income-tax. But in case Government decide otherwise the minority report suggests certain line of taxation and an important one is that every touzi which is not left with 25 per cent. or any reasonable margin of income after payment of revenue or rent, existing cesses and other rates should be exempted from this scope of agricultural income-tax. In this connection, I think it is my duty to draw your attention to the fact that provinces which have imposed agricultural income-tax, *viz.*, Bihar and Assam, have no education cess, so that if Government decide to impose agricultural income-tax in Bengal, it will be in addition to an imposition by way of education cess amounting to nearly one crore and 25 lakhs of rupees.

I hope, Sir, I have succeeded in explaining fully the two important proposals of the Land Revenue Commission and their implications and also in placing before you the minority opinion on them and the views of the Special Officer on those recommendations. The Special Officer

(Mr. Gurner) examined them mainly from the financial and administrative points of view. I will now request the honourable members of the House to express their views on the recommendations of the Land Revenue Commission.

Mr. PRESIDENT: Motion moved: that the report of the Bengal Land Revenue Commission be taken into consideration.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, the time at the disposal of the House is very short and considering the tremendous importance of the subject we cannot but deplore that only two days have been allotted for the discussion. We also deplore the attitude of the Government on the subject and that is that the Government has expressed no opinion on the subject whatsoever. The Hon'ble the Revenue Minister spoke as if he was a criminal judge delivering charge to the jury and was merely stating the different points which appear in the record without expressing any opinion of his own and asking them to state their opinion. Such a charge would be set aside by the High Court as being totally unhelpful. But the Hon'ble the Revenue Minister has no opinion to express. In fact, the position of the Hon'ble Minister in charge is that he has so much information at his disposal, he has so carefully studied the history of land revenue system of 150 years, he has so many talented departmental experts by his side; in short, he knows the subject so effectively and well that he cannot make up his mind and asks the House to express its opinion. The impression that we get from this attitude is that the Government is unable or perhaps unwilling to make up its own mind. The Government is sitting on the fence and is trying to speculate as to how matters would stand in the country.

Now, Sir, coming to the subject at once, I should submit that one of the mistakes committed by the Floud Commission is to treat the zemindars and other subordinate interests created by the Regulation of 1793 and subordinate tenures created therefrom subsequently on the one hand, and tenants who are now receiving rent on the other hand, on the same basis. They describe them as "middlemen" or "intermediaries" and they think they have equalized their positions by the mere use of those expressions. But you cannot class them together; they have different histories; they have different equities and rights and so they have to be treated on different bases. You cannot class the elephant and the frog as belonging to the same class of animals on the ground that they have thick necks.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Who is the elephant here?

Khan Bahadur NAZIRUDDIN AHMAD: The Revenue Minister himself is the elephant and we some of the small fries here are the frogs and we belong to different classes. (Laughter.)

Now, Sir, the fact that they are intermediaries or rent-receivers is nothing. That is a mere coincidence. It is, therefore, necessary to go a little deeper and to ascertain the legal position of the landlords and to take a hurried retrospect with regard to the history of the creation of the zemindars. I shall do so very briefly.

Under the Hindu kings, there were no zemindars. There were no zemindars also during the early Muhammadan period. The zemindars were a later creation, an unconscious creation of the Muhammadan emperors. They appointed military chiefs in the outlying provinces who had to defray the expenses of the army. So, the revenues of the provinces were assigned to them and they collected rents and defrayed the cost of the army and made over the balance, if any, to the Centre. This was the nucleus of the zemindary system. The Muslim emperors never knew that they were creating a powerful class, which an honourable member here describes as so many parasites on the society. If the dead emperors knew the position of the zemindars to-day they would turn in their graves. They devised the system as an administrative necessity. Sir, the Muhammadan emperors made no secret of the fact that the zemindars were mere servants of the State. They were really mere officers of the State. And, in the early British period, the Company also regarded the zemindars as servants of the State. Later on, on the disruption of the Mughal empire resulting in chaos in the provinces, new ideas crept in and the zemindars created some noise in England which led to the passing of the Regulating Act of 1784. By that Act the Government of Lord Cornwallis were required—not to make a Permanent Settlement, but to frame "permanent *rules*" for the settlement and realisation of revenue. This slight hint was taken advantage of by some enthusiasts at the time and they created a Permanent *Settlement*. This was never intended by Parliament. At that time Sir John Shore, who was the greatest revenue expert of the 18th century, strongly objected to making the settlement permanent, but he was overruled. It was also given out that the tenants would be benefited by the Permanent Settlement. The argument by which this was attempted to be substantiated was utterly fallacious but it was very popular at the time. The argument was that the rents payable by the tenants must be fixed for ever; but if you do not fix the revenues paid by the zemindars they will have to enhance the rents of their tenants. So, to begin with, for the protection of the tenants, the first thing would be to fix the revenues payable by the landlords to Government and that would—it was hoped—automatically protect the interests of the tenants. Sir John Shore, who knew much better, objected to this and said that

this would not protect the tenants. But he was brushed aside and it was held that Permanent Settlement alone would protect the tenants. However, after some exchange of interesting minutes, it was laid down that the tenants should be protected by giving them *pattas*, that is to say, the zemindars will be required to give them *pattas* which would settle their rents, and other incidents of their tenancies. The tenants were heard of no more. It is well-known that these *Patta* Regulations have absolutely proved infructuous. No *pattas* were ever granted and the landlord went on increasing the rents of their tenants as they liked. These facts are well established by documentary evidence. The Permanent Settlement then came to be considered by a very influential Parliamentary Committee, in the famous Fifth Report which was published in 1812. This Committee came to the conclusion that the Permanent Settlement was a mistake. In the year 1819, there was the Governor——

Rai KESHAB CHANDRA BANERJEE Bahadur: On a point of information, Sir. We could not follow the honourable member. He was heard to say, "The Fifth Report admitted that the Permanent Settlement was a mistake". Will he kindly repeat his remark?

Khan Bahadur NAZIRUDDIN AHMAD: The Fifth Report doubted the wisdom of the Permanent Settlement and seriously questioned the principle on which it was based. In the year 1819, Lord Hastings said that the Permanent Settlement had created a situation which had rendered it impossible for the Government to protect the tenants—the devastation of the rights of the tenants was so complete.

There was a Special Parliamentary Committee in the year 1832 which was required specifically to consider the Permanent Settlement. This Committee examined a large number of influential witnesses. Fortunately, the late Raja Ram Mohan Roy was then in England and, as he knew his country well, he was examined as a witness. He said that the tenants were badly treated and their rents were being enhanced and their rights ignored. This Committee definitely held that the Permanent Settlement was a mistake and should be abolished. There was some hesitation on the part of the Committee of 1812 to condemn the Permanent Settlement. But the Committee of 1832 were unanimous that the Permanent Settlement was bad and should be scrapped. The hesitation in the Fifth Report was due to a very important reason. The Committee of 1812 was not required to consider the Permanent Settlement specifically. It was merely required to say whether the Company's Charter should be renewed. It thus considered the question only incidentally. It therefore did not express itself as strongly as the Committee of 1832. Great authorities have since declared, in impressive succession, that the Permanent Settlement

was absolutely bad. This, Sir, is, I think, enough to condemn the Permanent Settlement. It has done enormous harm to the province, in that it intercepts the rents paid by the tenants in the hands of the zemindars and prevents them from going to the provincial exchequer. This is economically as well as historically wrong because money paid by the tenants do not return to them for their benefit. If we go back to Hindu times, we find that the rent did not belong to the King but it was intended to be spent for the protection of the tenants. In his Tagore Law Lectures, Mr. Sarada Charan Mitter clearly stated that the Hindu sages were unanimous that land did not belong to the King, but to the people. Rents were paid for the protection of the people and not for the benefit of the King. Then we find in the Muhammadan period also a similar system, with a slight difference in detail, that the fraction of rent varied with different crops. The Muhammadans very wisely followed the Hindu revenue system and never claimed any right in land except as to rent for the benefit of the people. This is well established and if any authority is needed, a reference may be made to Moreland's well-known work on the Agrarian System of Moslem India. So, Sir, the theory of rent in ancient India was based on the good of the people.

Now, Sir, in the year 1793 the great mistake that was committed was that the limit of the tenants' rent was not fixed. It was only hoped that the tenants would be protected against enhancements and evictions, but then the amount of rent payable by the tenants was not ascertained and fixed. Some time ago, in reply to a certain question of mine, the Hon'ble the Revenue Minister said that, at the time of the Permanent Settlement, the realisation of rents by the zemindars in the permanently-settled areas was about 2·70 crores. Out of this the State was to receive 2·43 crores being ninety per cent. and the rest, 27 lakhs, only went into the hands of the zemindars. That was, Sir, the position in 1793. But now we find that the zemindars' collections have increased enormously. The figure may now be 12, 13 or 14 crores, although the State is getting the same amount. Raja Ram Mohan Roy definitely stated before the Select Committee in 1831 that the landlords were forcibly enhancing rents with the result that the tenants were being ruined. Raja Ram Mohan Roy was undoubtedly a person of great practical experience and spoke from knowledge. I have got a copy of his evidence in my hand. The Permanent Settlement was condemned all along by great authorities. The Permanent Settlement has outlived its utility and must go. A large amount of money which should have gone for the benefit of the people through the provincial exchequer is appropriated by a series of middlemen and that cannot be for the good of the people.

Mr. Gurner and various other authorities are now very anxious to show that the State has not—in the long run—lost anything, and that

the loss occasioned by the Permanent Settlement to the State has been more than made good by further taxation. Mr. Gurner is clearly misleading in this respect. It is all very well to say, "I receive rent from the people to convey the same to Government: I retain a large fraction of it for my own benefit, thereby creating a big gap in Government's exchequer; but the Government has not suffered any loss as it has filled up the void by other taxations. The melancholy joke about it is that the tenants who are paying rents to the full are again made to pay other taxes to the full. There is taxation of the tenants, huge and unwarranted profit for the zemindars and no loss to the Government. And the net result is that the tenant is twice-taxed. Mr. Gurner's logic is untenable and must be discarded. Therefore, looking at the matter from every conceivable point of view, I submit that the Permanent Settlement must go.

Now, Sir, there is the question of compensation. I believe no question of compensation on principle arises at all. Landlords had no interest in land and the ancient constitution of the country, which was supposed to be followed in the year 1793, did not allow this. Therefore, the question of compensation does not arise. (Interruptions.) Sir, I hear some interruptions from my friends opposite. But I would like to ask the honourable members to be good enough not to interrupt me but to put questions to me if they so please. Well, Sir, I would ask any honourable member who may be inclined to take objection to my remarks about compensation to consider the case of the British Government. The British are in possession of the whole of British India. Now, we demand Dominion Status and also Independence and freedom. We want to deprive the British of the fruits of their labours which they are enjoying for 200 years. The case for the British Government claiming compensation would appear to be far stronger than the zemindars' claim for compensation. According to the logic of compensation, the British, who have greater rights than the zemindars who were a creature of a British occupation, the British have far superior claims for compensation. The British Government have, however, never raised the question of compensation. They have not even suggested anything like it: such a thing would be unthinkable. It is the landlords who have raised this question. Now, Sir, take the case of Poland. I believe Poland was divided among various neighbouring countries more than two centuries ago. After the last war, during post-war reconstruction, Poland was united the various portions being taken back from the different conquerers. But these conquerers never claimed compensation for the loss. The claim of compensation is absolutely novel. No example from history can be found to support this contention. The State committed in 1793 a mistake and a wrong. The people have been wronged and the wrong should be righted; and the persons who have been enjoying profits from the wrong enjoying

wrongful gain, now claim compensation. Then, Sir, in the case of the Alsace Lorraine conquered by and ceded over to Germany after the great Franco-German war, no question of compensation was raised by Germany after the last war when she was made to return the same to France. I submit, therefore, that the claim for compensation in this case is fantastic and untenable. As a matter of constitutional principle, as a matter of historical justice, as a matter of economic restoration of an overtaxed population, this talk of compensation is absolutely unjustified.

Still there is a humanitarian side. We must take into account the fact that some of the landlords and zemindars have inherited the properties from generation to generation and many have purchased zemindaries and under-tenures and they are entitled to some consideration from humanitarian consideration—but not as a matter of right. We are not Communists and are living in civilized times. We cannot afford to throw the zemindars out on the streets. We must pay them something. There is also a section of the Government of India Act which requires that some compensation should be given. (Mr. ABUL QUASEM: There is no other obstacle.) There is no other fetter except this provision of the Government of India Act. Now, Sir, there is a way out and it is this: Mr. Gurner in his report has said that he consulted the Advocate-General and he put to him a very pertinent question as to what would be the rate of compensation? Must it be the actual market price or may it be anything less? The learned Advocate-General was definitely of opinion that the compensation need not be at the market rate but may be less. I respectfully agree with that learned gentleman. So, the landlords have no rights and we are not bound to give compensations at the market rate. But we should give them some consolation—something which will show that we have considered their position and have not deprived them of their privileges unjustly. Then, Sir, the landlords and zemindars have their powerful argument—it is the use of big expressions like "expropriation", "exploitation" and the like! It seems that a parade of high-sounding expressions is their only equipment.

Then as to the rate of compensation. I shall indicate the principle on which it should be based. Mr. Gurner has said that 15 times the income should be paid as compensation. He has, by that simple assumption, successfully shown that the gain to the province would be illusory. I do not challenge his mathematics. But his standard of 15 times is wrong. If there is a person enjoying something wrongfully at the cost of the public and if the question is whether the public would be benefited by the payment of compensation to the wrongdoer or he will lose, then, Sir, it is very easy to show all sort of results by manipulating the rates. If you pay 15 times, the gain would, of course, be illusory and a member of the European Party in another

place—Mr. Gladding, who was lately our Financial Secretary—has very successfully shown that if the rate be 25 times of the annual income, there should not only be no profit but the country would suffer loss. I can easily add another standard. I say, that if the compensation is calculated at 50 times the annual value, the province would be ruined. These illustrations do not illuminate the subject; they do not at all help us. The error lies in the standard of valuation for compensation. They begin at the wrong end.

The question, I submit, should be approached from another angle. The profit which is being appropriated by the zemindars should be acquired for the benefit of the people. The province alone should benefit by it. Keeping that ideal in view, if you can reduce their heavy tax burdens and give them education, sanitation and the like, then take what they need for their bare minimum requirement and then distribute the rest of the profit among various grades of landlords as compensation. Instead of that you lay down an impossible figure which would inevitably lead to ruin the province. If I fix a rate of compensation so high as to lead to no profit to the country and if thereby I claim that I have shown that the whole scheme is illusory or a losing concern, I submit I have proved nothing.

Rai KESHAB CHANDRA BANERJEE Bahadur: It is a matter of opinion.

Khan Bahadur NAZIRUDDIN AHMAD: It is arithmetical calculation; it is simple mathematics; it is juggling with rates to arrive at preconceived results. You can always manipulate the rates to prove anything. Now, Sir, this little interruption reminds me of a story of a Dervish who lost his camel. He searched for the camel and, not finding it, said that he would sell it at one rupee. Later on, he found the camel but became wiser. He tied a cat to the neck of the camel and said, "I am going to sell the camel at one rupee and the cat at 99 rupees; but the two must be sold together." So they say, "we are ready to allow you to take all our income but you must only pay us the modest figure of 25 times or 30 times or even 50 times compensation. This method of approach to the subject is fallacious. I submit, Sir, that these calculations are useless. In these circumstances, my suggestion would be to approach the subject from the opposite direction —from the point of view of benefit to the people. Secure benefit to the people and pay the rest as compensation.

Rai KESHAB CHANDRA BANERJEE Bahadur: That is problematic.

Khan Bahadur NAZIRUDDIN AHMAD: It would be so if you approach it from the wrong-end. Something should initially be reserved for the people who are paying rents for their own benefit and which do not reach their proper destination. Therefore, if you first keep something for them, the result would not be problematic. On these considerations, I should submit that the Permanent Settlement should go: it should be removed for the benefit of the people.

Now, the question is: should we acquire the whole zemindary? I think that is inevitable and whatever compensation should be paid, it should be the maximum consistent with benefit to the people. But we must stop there. If you reserve some substantial benefit to the people, then I have not the least objection to give the landlords as much compensation as you can afford—provided that this all-important consideration is not lost sight of. So, in these circumstances the question of compensation should be considered and the question of acquisition of the lands should be approached on that basis and if you can acquire the interest of the landlords in this way, there will be no harm. The landlords will be compensated as much as the country can pay. (Mr. J. B. Ross: Fair compensation.) Fair compensation should certainly the test as my honourable friend, the Leader of the European Party, rightly observes. But what is fair compensation? Would you kill the people of the province who have got to pay it or would you kill the landlordds whom some people would deprive, or would you take a middle course and save the people whose money was misdirected so long against their interest and yet pay something to the landlords? I would save both. This is how I should approach the question of "fair comsation." It must be founded on title and rights. The landlords have or had no inherent rights. It is enough that they enjoyed unearned income and unearned increment for a century and a half and justice requires that we must cry halt and stop further deterioration. Fair compensation must be "fair" to all parties.

Before you launch into a programme of State acquisition, the Government will have to carefully consider the various issues. The problem is vast and difficult. It requires deep and careful consideration. Meanwhile, the Commission's recommendation about the imposition of agricultural income-tax should be accepted and should be given effect to at once. We found in the newspapers that the Government had a Bill ready for taxing agricultural income. This Bill should have seen the light of the day by now. Sir, Government perhaps have not made up their mind and are trying to satisfy all parties as long as they can. I submit that this Bill is overdue. The Exchequer needs and requires money for various reforms and money should be found. If the agricultural income is taxed, it will cause no real hardship. The question of agricultural income-tax raises a very important constitutional issue. Every income is subjected to an income-tax, but the agricultural income

is not. That is an anomally. There is no precedent anywhere like (Rai KESHAB CHANDRA BANERJEE Bahadur: There is one such law in Bihar.) Yes, there is agricultural income-tax in Bihar and I believe in Assam too. I was speaking of countries outside India. There is tax on agricultural income in all other countries. Bihar has come forward because it was a Congress Government, which, according to our Hon'ble the Revenue Minister, must be a backward Government but still they took courage in their hands and have taxed agricultural income.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, I never said backward. According to you it may be so. They are too forward.

Khan Bahadur NAZIRUDDIN AHMAD: The Hon'ble Minister cannot agree that the Bihar Government should be called good, because in that case he would have to follow their example. Sir, I believe agricultural income-tax should be imposed as an immediate first instalment. The Hon'ble Minister cannot for long postpone this reform. He must impose agricultural income-tax at once. Large incomes of zemindars are not subject to any tax whatsoever. A man who has Government papers, or who serves anywhere, who receives a payment of Rs. 150 as member of this House or of the other House and if his income is Rs. 2,000 per annum, he has got to pay the income-tax. There is no earthly reason why agricultural income should continue to be exempted. I heard just now the Hon'ble the Revenue Minister saying that the minority of the Commission has opposed the imposition of the tax. One of the minority members is no less a personage than Sir Bijoy Chand Mahatab Bahadur of Burdwan. The Maharajadhiraja Bahadur of Burdwan was a member of the Indian Taxation Enquiry Committee. Their report was published in 1926. As a member of that Committee, the Maharajadhiraja Bahadur of Burdwan recommended for the whole of India the imposition of agricultural income-tax. (The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, there was a note of dissent.) Yes, I know he submitted a note of dissent. I carefully read that note and I know that on some points on which he had his dissent but I also know that with regard to imposition of agricultural income-tax he thoroughly agreed. On this point the recommendation was unanimous. You have not yet taxed this income but you are taxing the poorer sections of the people with various taxes such as Sales Tax, etc., which affect the poorer section. You leave absolutely free very large incomes from landed properties.

If Bihar is too forward, there is no reason why Bengal should not have enough courage and impose this tax at once. The Hon'ble the Revenue Minister should take courage in both hands and proceed

boldly in the matter. If he has not enough strength in his hands, we are ready to offer our hands to strengthen his with a view to enable him to announce a bold policy, here and now on the floor of the House.

The country is very keen, the people are watching these proceedings with unusual interest. The greater the delay, the greater will be the danger. The general election too cannot be postponed very long on an issue like this. Taxation of agricultural income should be undertaken at once; this is also recommended by the Floud Commission.

Rai KESHAB CHANDRA BANERJEE Bahadur: On a point of order, Sir. Has the Floud Commission's Report got anything to do with the coming elections?

Mr. PRESIDENT: Order, order. The honourable member has spoken now for nearly half an hour and he should try to bring his speech to a close.

Khan Bahadur NAZIRUDDIN AHMAD: All right, Sir. In these circumstances, I beg to submit that agricultural income-tax should be imposed at once. With regard to other ancillary measures, Government should come forward boldly and declare its policy. They should make up their mind and declare their policy definitely, clearly and specifically. Let them also find out how the people think in this matter. A general election would be absolutely necessary for the purpose of knowing the desire of the country. The voice of the country will prevail in this matter, and if the Government will go about in the country, the people will show them what to do.

Now, Sir, the Hon'ble Sir Bijoy Prasad has let fall a remark about the "tillers of the soil." The Hon'ble the Revenue Minister has lately acquired much affection for the "tillers of the soil." This again raises a very old question, for the expression "the tiller of the soil" is a very well-known expression of the Hindu and Muhammadan periods. In those times the man who tilled the soil for the *first time* was the real owner of the land—that is the view of the Hindu sages and that was also the Muhammadan view. So the "tiller of the soil" in revenue language means the original tiller of the soil. Their children and their transferees are also the tillers of the soil and the middle-class people of Bengal now represent those tillers of the soil. I submit that the "tillers of the soil" are not those who are tilling the soil to-day. The tillers of the soil are the children of those who were the tillers of the soil, and this is well known to the Hon'ble the Revenue Minister. If the Hon'ble Revenue Minister has any affection for the "tillers of the soil" in its perverted modern sense, then he is voicing the genuine views and sentiments of Indian Communists to-day. If that is so, I must say that the Hon'ble Minister perhaps wants an alliance between the landlords and the Communists in order to squeeze out the middle

classes. Such things have their counterparts in other parts of the world to-day. Who knew even two years ago that the conservative British Government would join hands with Communist Russia to fight a common enemy? We would be inclined to believe that there is an attempt on the part of the landlords, who are represented here unofficially by the Hon'ble the Revenue Minister, to join hands with the Communits in order to squeeze out the middle classes——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am sorry, Sir, that the Khan Bahadur should make that observation. I represent the entire Bengal Legislative Assembly in this House; I do not represent the landlords in this House.

Khan Bahadur NAZIRUDDIN AHMAD: I am very glad to hear that, but I was cautious to explain that the Revenue Minister represented them unofficially. He very recently represented a landlord constituency.

Mr. PRESIDENT: Order, order. The honourable member should conclude his speech now.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I have come to the end. I may sound a note of warning to the Hon'ble Minister that if he would try to shunt the middle classes by uniting the zemindars with the Communists, then the middle classes of Bengal are powerful enough to squeeze out both. Do not go to extremes; do not deprive the middle classes of their age-long right of which they have been deprived so long and which they are trying to recover, even on payment of some compensation which the zemindars do not deserve. In these circumstances, I submit that Government should come forward with a definite programme. Tinkering will not do. But thus far no clear policy has been defined or indicated. There is no earthly reason why the Hon'ble Minister should not express or indicate his opinion. I would particularly invite the Hon'ble Minister to make plain his intention. The Government should publish its policy and programme and then come before the country and explain the position and then start legislation at once.

Then, Sir, I regret that the Hon'ble Minister did not see his way to give us more than two days. The subject is very important. It affects the welfare of 50 millions people and two days for the discussion of a subject like this is simply inadequate. The House has been given a huge work but incomplete materials. The House will have to find out ways and means to thrash out the matter further in the House. With these comments, I would again ask the Hon'ble the Revenue Minister to formulate his proposals—even tentative proposals—and then invite comments thereon.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, before I proceed to discuss the report of the Land Revenue Commission in some detail, I propose to dispose of two or three points raised by Khan Bahadur Naziruddin Ahmad. In the first place, he has stated that the zemindary system grew up after the Hindu period. I do not know if he has read the report of the Commission carefully. I would invite his attention to paragraph 17 of the report in which it is stated that in the early Hindu period "the Rig Veda was written three thousand years ago when the Aryans were expanding their conquests from the Punjab to the territories of which the Ganges was the main river". Later on, at page 9, paragraph 21, it is stated "After the Moghul conquest of India, instead of distributing all the conquered lands among their followers, the conquerors left the occupiers in possession, subject to the payment of *khiraj* or land revenue, and a poll tax. Theoretically, it might be held that all the rights of zemindars then in existence, whether obtained by conquest or otherwise, came to an end. Actually the existing system was interfered with as little as possible". The Khan Bahadur should have known what the existing system was. "Not only were the old chieftains allowed to remain and go on collecting and transmitting revenues from the areas under their control, but further zemindars came into existence between the State and the cultivating *raiyats*". Then, Sir, in paragraph 26, page 11, the report further goes on to say, "the position of the cultivators during the Moghul time was substantially the same as in the Hindu period". So that disposes of Khan Bahadur's contention No. 1. Then, Sir, he has referred to the Fifth Report as the basis of his argument that the Permanent Settlement was condemned in the Fifth Report. If I had sufficient time at my disposal, I think I might have been able to show by reference to the Fifth Report that it was quite the other way about. The position is contrary to what he has said.

Now, Sir, speaking on the report of the Bengal Land Revenue Commission, one has to bid good bye to the spirit of optimism which characterised the advent of Provincial Autonomy in Bengal four years ago. It was thought that in spite of the many defects in the Government of India Act of 1935, the Province of Bengal freed from the dead weight of Diarchy would at last be able to shape her destiny and formulate her administrative policy to the lasting benefit of all concerned, irrespective of any class or political party. The four years of the working of the present constitution has brought home to us, in spite of the safeguards provided for in the Government of India Act, that the Autonomy granted to the province is illusory.

Sir, we, on this side of the House, unlike our friends of the Congress, have never shirked our responsibility in the matter of working of the Reforms introduced into this country from time to time by Acts of the British Parliament. But, Sir, it is this law-abiding class which is

being frequently subjected to what Mr. Ross characterised the other day as "predatory legislation" in connection with the Bengal Agricultural Debtors (Second Amendment) Bill, 1940. This remorseless and unconscionable application of the powers of the Legislature conferred by the Government of India Act, 1935, has resulted in gross injustice and financial loss to various classes of people, thereby upsetting the economic order of society. We have been told time and again that the country must be prepared to adjust itself to the spirit of the times and that the old order of things must yield place to the new.

It has also been declared by the Ministry and their supporters of the Coalition Group that they must fulfil the pledges they had given to their electors at the time of the last general election which, to my mind, seem among other things to include the repudiation of debts and expropriation of private property. Sir, reference has just now been made by Khan Bahadur Naziruddin Ahmad to the coming elections. The iconoclastic activities of the Reformed Government of Bengal have perhaps no parallel in history. They have succeeded within an incredibly short space of time in pulling down some of the old institutions and the social structures of the province which have the sanction of more than a century. The hurry in which legislation after legislation is being rushed through the Assembly and the Council without any well-thought-out plan or programme does not speak well of the sagacity and farsightedness of those in whose hands lie the destinies of five crores of people. In the name of improving the hard lot of the agriculturists, measures are being adopted which instead of bringing any financial relief will spell disaster on them. Sir, the vexed problem of jute still remains unsolved. The principal money crop of Bengal gives no encouragement to-day to the growers. Although desultory attempts have recently been made to restrict its cultivation, nothing appears to have been done to fix the minimum price of jute which alone is calculated to raise the price-level of this commodity and thereby fetch money to the pockets of over 80 per cent. of the people of the province who live by agriculture and on whose prosperity depends the prosperity of the entire population of Bengal. If the Government had not been led to judge the question from a wrong angle, they might perhaps be able to find a solution of the problem.

Sir, I feel sure that no tenancy or debt legislation or the compulsory acquisition of landed property as adumbrated in the Land Revenue Commission's Report will improve the financial condition of the cultivators as a class.

Sir, the issues raised in the majority report involve financial, administrative, social and economic considerations which should be weighed very carefully before comprehensive legislation is undertaken. I do not wish to cover the entire ground traversed by the members of

the Commission. I propose only to deal with the salient points which concern us vitally and which are calculated to revolutionise the entire economic structure of the society and create a position which the signatories to the report have failed to visualise. While agreeing fully with the minute of dissent by the Maharajadhiraja Bahadur of Burdwan and Mr. Brojendra Kishore Roy Chowdhury and giving my qualified support to that submitted by Dr. Radha Kumud Mookerjee, I would like to emphasise the fact that the report is not a majority report, since out of twelve as many as six members have recorded their notes of dissent. Important decisions were taken by the weight of votes without reference to the evidence collated and placed before the members of the Commission. We are told that the importance of the vast volume of evidence on record and the memoranda submitted by different persons and representative Associations have not been seriously taken into account and that the members are stated to have relied more upon personal conviction and preconceived notions in arriving at their conclusions. The value of such a report can, therefore, be easily judged.

Moreover, Mr. Gurner who was specially deputed to examine the proposals of the Land Revenue Commission, has, in his report, dealt exhaustively with the recommendations of the Commission. He has found himself unable to agree with some of the major recommendations on which the Commission has laid great emphasis. Among the important points urged by the Commission are—

(1) abolition of the Permanent Settlement,

(2) compulsory State acquisition of properties, and

(3) imposition of an agricultural income-tax.

Sir, much has been said regarding the Permanent Settlement and I do not think I can usefully add to what has been stated in the joint minute of dissent by the Maharajadhiraja Bahadur of Burdwan and Mr. Brajendra Kishore Roy Chowdhury. The so-called majority report advocates the abolition of the Permanent Settlement of 1793 as being no longer suitable to the conditions of the present time and maintains that the zemindary system having developed so many defects, it has ceased to serve any national interest. The present system should, therefore, be replaced by one which will bring the actual cultivators into the position of tenants holding directly under Government by acquiring the interests of all classes of rent-receivers (paragraph 96). The arguments advanced in support of this view have been subjected to strong criticism by the authors of the joint note of dissent referred to above. In paragraph 97 (page 42) the "majority" report says—"Whatever may have been the obligations of the British Government as successors to the East India Company, the grant of Provincial Autonomy has created a new situation, under which the Government of

Bengal is free to consider the problem afresh and to propose any modifications which they may consider desirable under present conditions." Continuing it adds, "Indeed, the appointment of the Commission itself and its terms of reference are evidence that there is no legal or constitutional bar to the reconsideration of the Permanent Settlement, or to its replacement by any other system which is better adopted to the conditions of the present time". The signatories to the report, I am constrained to remark, have not based their conclusions on facts but on wrong data and *a priori* convictions.

Much of the criticism of the Permanent Settlement Regulations seems to be due to misunderstanding and is born of popular beliefs. The Permanent Settlement has been held to be responsible for inelasticity of revenue. Those who hold this view forget that land revenue is not the only form of direct taxation on agricultural income. There are cesses of various kinds, such as the public works and road cesses and the primary education cess which has been imposed in some districts in Bengal. Although revenue has not been increased, the imposition of these cesses, and I do not know what more cesses are in store for us, has indirectly violated the terms of the Permanent Settlement. Then, again, there are innumerable difficulties under which the much-maligned zemindary system has been functioning. In the first place, the landlords have to collect the cesses, there being no other agency to realise the same, and this saves the Government the expense of collection but no remuneration is ever allowed to the landlords for discharging a function which should legitimately be undertaken by Government. In the second place, landlords are paying the quota of cesses payable to the Government and have to face risks and losses consequent upon non-realisation and on delayed realisation. It will thus appear that the inelasticity of land revenue has been overcome by forcing landlords to pay cesses of various kinds and to meet the charges of collection for the same. It is, therefore, incorrect to say that there has been discrimination in favour of landlords referred to in paragraph 80 of the report, especially when it is remembered that the landlords also pay union rates, canal rates in certain areas and also municipal rates, if such land is situated within a municipality. The majority report advocates drastic legislation against the zemindary system on the plea that the grant of Provincial Autonomy has created an entirely new situation and as such a Provincial Government is quite at liberty to consider the problem afresh. It goes on to strengthen its argument further by stating that the appointment of the Commission itself and its terms of reference are proof positive of the authority of the Government of Bengal to undertake legislation with a view to altering the Permanent Settlement and replacing it by any other suitable system. Those who hold this view are apparently labouring under a great misapprehension, since Provincial Autonomy has not given the Legislature absolute power of legislation in regard to the Permanent Settlement, as

otherwise sections 299 and 300 of the Government of India Act, 1935, and more particularly, the Instruments of Instructions to the Governor and the Governor-General would be meaningless. According to the said Instructions, no legislation would be valid which sought to alter the character of the Permanent Settlement, and any such Bill passed by the Provincial Legislature must be reserved for the signification of His Majesty's pleasure. This unmistakably shows that without His Majesty's consent and approval, the Permanent Settlement is irrevocable and disposes of the contentions that the appointment of the Commission itself and its terms of reference are evidence that there is no legal or constitutional bar to the replacement of the Permanent Settlement by any other system which according to the report of the Commission is better adapted to the conditions of the present time.

Coming now to the question of compulsory State acquisition of all interests from the landlord with the long chain of intermediaries down to the tiller of the soil, I am definite in my opinion that besides being undesirable from the social and economic points of view, the scheme would prove to be hazardous financially so far as the State is concerned. The present economic difficulties of the cultivators have no connection whatsoever with the land revenue system of Bengal. They are traceable to other causes discussed in detail in the minority report. To convert the province of Bengal into a *khas mahal* would be little short of a tragedy from the cultivators' standpoint in whose interest legislation on the lines foreshadowed in the Commission's Report is proposed to be undertaken. It will also be a suicidal policy on the part of the Government to embark upon a scheme of doubtful utility the adverse effects of which on the finances of the province have been pointed out by the financial and revenue experts of Government and other officers whose opinion is of great value having regard to their long administrative experience. I need hardly add that acquisition should as a rule be on the basis of the consent of the parties likely to be affected thereby. The compensation of ten times the net profit recommended by the Commission is far too inadequate having regard to the stake involved. It should be remembered that a vast majority of the present holders of estates have become owners thereof by purchase and not by inheritance as no descendant of the proprietor who originally took the Permanent Settlement is now traceable. In the circumstances, I fail to understand why a fair price should not be offered. By fair price, I mean the sum the return on which will yield to the recipient his present net income. It should be noted in this connection that like businessmen who invest their good money in trade, commerce or industry, the zemindars and their forefathers invested their hard-earned money in land. There is, therefore, no reason why a glaring injustice should be done to a class which by reason of their loyalty to the British Crown and their public benefactions are certainly entitled to better and more reasonable consideration.

Sir, the time at my disposal hardly permits me to do full justice to a subject so vast and so wide in its scope. Before I conclude, I would like to refer to one of the most important recommendations of the Commission, namely, the taxation of agricultural income.

The Commission dealt with the question of levy of agricultural income-tax, (paragraphs 134-37) either as a transitional measure until the State-purchase scheme is fully given effect to or as a permanent measure, if Government decide against the purchase. It is recommended that the proceeds should be devoted exclusively to the improvement of agriculture or be applied to the projects connected with the improvement of agriculture. Sir, if the tax is to be imposed at all, it must proceed *pari passu* with the provision of facilities for the punctual realisation of rent without which agricultural income-tax will have no meaning. But the Commission do not prescribe any summary procedure such as certificate procedure for the recovery of arrears of rent. While members of the Commission are anxious to snatch away everything that the landlord possesses, they are reluctant to concede anything which reason, commonsense and conscience would leave the landlord to enjoy. Even the Special Officer, Mr. Gurner, is in doubt about the practical utility of the tax. He says, "As is always the case, however, it might be difficult practically to give effect to the application of the tax to these special purposes. He goes on to say further that the Finance Department would be suddenly tempted to add the normal income of the budget of the Agricultural Department to the debit against the new tax."

Sir, it is quite clear that the projected income-tax on agriculture is an unwarranted measure. I would invite a reference to pages 243-247, paragraphs 50-57 of the joint note of dissent by the Maharajadhiraja Bahadur of Burdwan and Mr. Brojendra Kishore Roy Chowdhury in which this question has been elaborately discussed. I agree with them in thinking that the following difficulties of the landlords have not been taken into consideration in making the recommendation, namely, (1) that they pay revenue or rent irrespective of their realisations and the methods of collection are ineffective and dilatory, (2) that they are to pay cesses including the quota payable by *raiyats* irrespective of the realisations and the agency of collection is the landlords who have not been given adequate and effective methods of realisation. In the circumstances, I strongly oppose the proposal to impose an income-tax on agricultural income as in the first place it will worsen the economic position of the landlords who are functioning under the greatest handicaps and in an adverse political atmosphere. Secondly, it will burden landlords with this discriminatory legislation impairing thereby the principle of equal sacrifice by similar and similarly situated persons. Thirdly, it will give a definite set back to agricultural improvements by private persons and to industries which are partly agricultural, and

lastly, it will not yield a good amount of money which will answer the economic needs of the province of Bengal.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, at the very outset, I desire to say that the party to which I belong did not sit to formulate its views on the recommendations of the Floud Commission. The views I will express will be my personal views. Similarly, the other members of the party are free to give their individual opinion. Sir, I think that in this matter Government should have admitted the members of the Legislature to their confidence as to their intention with respect to the recommendations of the Floud Commission. The opinion of the members in that event would have been helpful to the Government for formulation of its final decision. It cannot be that the Government is yet without some sort of a definite opinion. After the report of the Floud Commission was published, the Government was careful not to call upon the members to give their views. Instead, a Special Officer Mr. C. W. Gurner was appointed to review the report. Mr. Gurner in his turn has submitted his report upon which the Cabinet must have held its deliberations. The results of that deliberation should have been placed before the members along with the report of the Floud Commission and that of Mr. Gurner. The criticism of the members in that event would have been both responsible and instructive. Take for instance, Sir, the scheme of State acquisition of the landed interests involved in the abolition of Permanent Settlement. Sir, under section 299 of the Government of India Act no compulsory acquisition of land is permissible unless the law provides for payment of compensation for the property acquired and either fixes an amount of compensation or specifies the principles on which and the manner in which it is to be determined. So there can be no question as to compensation which will have to be paid, if Government really decides to abolish the Permanent Settlement. Government should have given the members an idea as to their financial capacity to take up such a great undertaking. In the absence of any indication in that direction, I am afraid the whims and caprices, likes and dislikes of the members will cloud the real issue. However, without beating about the bush, I will come straight to the point and say that, personally speaking, I am not opposed to the abolition of Permanent Settlement in Bengal. Many useful projects including tenancy reforms and measures for improving the economic condition of the cultivators have been held up for want of requisite funds due to the inelasticity of land revenue and also due to the other fact, namely, that the sources of revenue are very limited.

By bringing the cash-paying cultivator of the soil directly under the Government, a net rent-receiving asset of Rs. 5·87 crores would be available to the Government. Personally, I think that the rate of

compensation should be fair and should be at least 10 times the net profit. Sir, it is a long jump from the year 1793 to 1941. While in 1793, the number of proprietors of estates in Bengal could be counted on one's own fingers, during the intermediate periods it has risen to several lakhs of people owing to inheritance, devolution, transfers, gifts and leases of the permanently-settled estates. The great middle-class community which is the brain of the society in Bengal is mostly dependent on their income of land. Indeed it is no exaggeration to say that the fate of over 80 per cent. of the people of this province will be affected by the change in the land system. A great responsibility therefore rests upon the communal majority in the legislatures as to how they cast their votes in this matter of compensation or even how they express themselves. On the faith of the word of the British Government about the permanency of proprietary interests in the land, people came to believe that investments on land were the best and so they acted on the faith of the pledged word of the British Government. In democratic aggression on the permanency of rights, people are apt to forget themselves in the use of such expressions as "parasites", "parasitical expropriation" and all that; and at the same time zemindars will talk of "expropriation of their rights". In the mutual recrimination, it will not be surprising if the majority votes prove to be arbitrary in the matter of the fixation of the rate of compensation. You cannot afford to kill the middle class. They must be allowed to live till a reasonable time to enable them to adjust themselves to the changed environments. I therefore think that at least 10 times the net profit would be fair and reasonable compensation without being too harsh at 5 times immediate or at two to eight times the net profit being spread over a number of years. Even at ten times the net profit, the capitalized sum for State purchase comes to a huge figure to which should be added (1) the cost of carrying out revisional settlements, (2) the cost of constructing the necessary buildings for the staff, (3) and a proportion of the arrear rents due to zemindars and tenure-holders to be paid in lump by Government on acquisition. All these capitalized will bring the purchase value to 100 crores of rupees, so I think. The interest chargeable on the floatation of a loan for this purpose will be such that it will very likely swallow up the major portion of the acquired assets. Before we can emphatically ask the Government to do away with the Permanent Settlement immediately, it was a duty on the part of the Government to explain the financial position as to how Government would stand such a loan without brining financial disaster or without impeding the progress of the nation-building subjects. The listless attitude assumed by the Government is therefore hardly justifiable. But I believe that the financial strain on the Government will be such as to preclude the possibility of State purchase of the landed interests above the cultivator all at the same time. To avert financial disaster, gradual introduction of State purchase in

selected areas should be attempted so that the Government may retrieve the step of State acquisition should it ultimately prove false and unremunerative.

I will next refer to the recommendations of the Commission relating to the imposition of an agricultural income-tax. I think it will be iniquitous to impose an agricultural income-tax before the State purchase of all rights in land above that of the cash-paying cultivators is made complete, as by the imposition of the public works and road cesses and recently by the imposition of the primary education cess, there has been or there will soon be by an extension of the education cess to all the districts of Bengal, an addition of about two-thirds of the present land revenue demand of 3·15 crores, this would lower the value of the estates, tenures and under-tenure and the imposition of all sorts of taxes would make the State acquisition of the estates a farce and an eye-wash. But if State purchase is abandoned, the imposition of an agricultural income-tax will not be unfair. In Bihar, Permanent Settlement stands but an agricultural income-tax has been imposed, and such tax if and when imposed should be earmarked for the improvement of agriculture or for projects connected with agricultural improvement. No touzi which is not left with a 25 per cent. or a reasonable margin of profit after payment of revenue and the existing cesses and other rates should be taxed for the purposes of agricultural income-tax. Sir, I fancy that as we are discussing the report of the Land Revenue Commission, both the Education Minister and the Finance Minister though away in their homes are laughing in their sleeves. I believe that in the way they are piling tax upon tax and the speed with which the Finance Minister now threatens to throw the agricultural income-tax in the teeth of our feudal lords, there will hardly be any necessity for any State purchase; for, left to themselves, as between the Finance Minister and the Education Minister, all estates will fall like so many sucked oranges. I believe that the financial administrative, social and economic implications of the proposals of the Floud Commission affecting as they do the lives of the 80 per cent. of the people of the province are many and various and even serious. Under these circumstances, the recommendations of the Floud Commission should be made the subject matter of a referrendum to the electorate. No party should take advantage of the Election Postponement Bill now before Parliament which is proposed to be brought into effect. But, Sir, all parties should ask for a general election of the members of the lower House, whose life expires early next year, and no legislation should be undertaken until the final verdict of the electorate is obtained. We will then know where we stand in the course of the next six months. Six months surely is not too long to wait. I know, it will be said that in the last general election, the League and the Proja Party made the abolition of the Permanent Settlement an issue for judgment by the electorate. This, however, was not direct issue

with the Congress Party or any other organization and now that we have before us the report with all the implications of their proposals which were not then known to the electorate, their verdict on these proposals is now urgently called for. I know that advantage will be taken by self-seekers to postpone elections on the plea of the war situation and that it will be urged by them that in the case of a general election at this time a communal battle will ensue in the event of a general election coming in. If such arguments are heeded, then will it be just and proper, fair and expedient, the war situation remaining as it is, to bring about a social and economic upheaval in Bengal by proceeding with this legislation? But if elections are postponed and no verdict can be obtained on the proposal, I will urge that constitutional changes are ahead of us which will replace this counterfeit autonomy we live under, where the Government is not democratic but communal and has been returned to power by the communal votes of a majority community, where it has now been made possible to urge as a ground for the postponement of the general election the plea that the atmosphere is electric, and that a communal battle will ensue in the event of a general election. If elections are postponed and no verdict is obtained on the proposals, I would urge that legislation on these proposals should also be postponed till the next general election under a new constitution, where all causes of friction and artificial barriers between Hindus and Muhammadans are bound to be removed to give the new order a fair trial in which our Mussalman brothers in Bengal will not look to Bokhara or to Cairo as their homeland, nor will look upon the Mussalmans of those countries as nearer and dearer to them then their Hindu brothers in Bengal who are their immediate neighbours, and 90 per cent. of whom were some day some time their agnates —sprung from the same stock and speaking the same language with no real cultural difference whatsoever.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Sir, may I know how long we are going to sit to-day?

Mr. PRESIDENT: Two days have been allotted for discussion of this report. The Chair will be willing to continue the sitting as long as the honourable members desire to sit—say till 8 or 9 p.m. since the other House is not sitting to-day.

Mr. LALIT CHANDRA DAS: Sir, the European Group has already left and it is very difficult to continue so long as 8 or 9 o'clock. As a matter of fact, I think two more days should be allotted considering the importance of the subject and the number of members who wish to take part in the debate.

Mr. PRESIDENT: The Chair has received representations from several honourable members urging the allotment of two more days to discuss this report. Will Leader of the House express his views about it?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: If the desire of the House is that another day should be given for the discussion of this matter, Government have no objection. But may I suggest that we should see what progress we make to-day and the next day and then would decide whether another day may be allotted.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, my honourable friend Khan Bahadur Naziruddin Ahmad has characterised the speech of the Hon'ble the Revenue Minister as a charge to the jury and I think if I am to accept that metaphor I may say that there has been misdirection to the jury, because although the Hon'ble Minister has stated that he has kept an open mind and the Government have kept an open mind, he has quoted some figures which seem to be altogether misleading. He has said that it is not a fact that the Bengal revenue is enelastic and in connection with that he has quoted figures of cess and education cess and other figures. But, Sir, these additional figures, I mean the taxations, were imposed even in other provinces. So, these new taxations which were in common with other provinces when there was no Permanent Settlement, did not affect the inelasticity of revenue fixed at Permanent Settlement. The road cess is not an additional taxation for augmenting the revenue fixed at Permanent Settlement. Taxation like these prevail even in the temporarily-settled provinces of Madras and the Punjab. In fact, the road cess tax in the Punjab is still at a higher rate, *viz.*, 12½ per cent. of the rent.

Then, the comparative figures of the percentage of land revenue to total revenue do not indicate the inadequacy or otherwise of land revenue as sought to be proved, though it gives a misleading impression of it. In a province where the aggregate income from revenues is less, the proportion of land revenue may seem high though the land revenue may not be at all adequate. For seeing whether adequate amount of land revenue is coming to the coffer of the State from Bengal as compared with that of other provinces, all we need calculate is, as to what would have been the land revenue of Bengal if the revenue system prevailing in Madras, the Punjab or the United Provinces were applied to Bengal. According to the *raiyatwari* system prevailing in the Punjab, the land revenue of Bengal for the permanently-settled area alone would be much more. All that we need do to find out whether Bengal revenue is as adequate as the revenues in other provinces, is to find out what the land revenue would have been if we had followed the *raiyatwari* system which obtains in the Punjab and major portion of Madras. If we calculate it on that basis, *i.e.*, if *raiyatwari* system is

introduced in Bengal, the land revenue in respect of the permanently-settled area alone would be 12·25 crores instead of the 2 crores and 15 lakhs at present. So, there would be an addition of a little more than 10 crores to the coffers of the State if *raiyatwari* settlement were introduced in Bengal. Even deducting the cost of collection at 15 per cent. and the irrecoverables at 10 per cent. there will be still a net increase in income of as much as 8 crores which will amount to nearly two-thirds of the aggregate revenue of Bengal.

Sir, these figures are very telling and these show that Bengal is not at all paying land revenue adequately to the coffers of the State although the *raiyats* are paying the full amount of land taxation. Those who intercept and appropriate 80 per cent. of land tax are the zemindars and their intermediaries.

Sir, then the Hon'ble Minister has compared the rental values of Bengal with other provinces and said that Bengal's rental value as compared with the rental values of other provinces is not very small—that Bengal's is 25 per cent. as against Madras' 17 per cent., United Provinces' 27 per cent. and the Punjab's 25 per cent. But I fail to understand what is the basis of his calculation. If by rental values is meant the rents of the cultivating *raiyats*, then certainly the figures are wrong. As to the rental value, so far as Bengal is concerned, it is apparent that the Hon'ble Minister has taken the rental values of the *raiyats*. But so far as the rental values of Madras and the Punjab and the United Provinces are concerned, the rental values are not the rental values of the *raiyats*, because 90 per cent. of the land of the Punjab has been settled with the peasant-proprietors and occupancy-*raiyats*. There, the average rate of rent is Rs. 1-9 and the whole of it goes to the State as land revenue and so at that rate 90 per cent. of the rental values is the land revenue of the Punjab. And similarly 66 per cent of the rental values of Madras is the land revenue of Madras and not the figures which have been quoted. Sir, I find that there have been similar misquotations of figures by my honourable friend Dr. Radhakumud Mookerjee whom I am sorry to find absent to-day. But as they are very important with reference to the question at issue, I think I should rather deal with them although he is not present here. Sir——

Mr. PRESIDENT: Order, order. The Council stands adjourned for 15 minutes for the evening prayer and will meet again at 4-45 p.m.

(The House re-assembled after the prayer adjournment.)

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I was speaking about rental value. The *raiyats* and under-*raiyats* in Madras and in Bengal are not on the same footing.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I may just tell my honourable friend that we have taken into account the *raiyats* and under-*raiyats* in Bengal as well as in Madras.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, if the rents of under-*raiyats* and *bargadars* are taken into account in calculating rental values, it cannot be more than 10 per cent. Even taking the under-tenants alone into account, it will be something like 17 per cent.

Now, I take up some of the remarks made by my friend Dr. Mookerjee who was labouring under a wrong impression about the rates of rent prevailing in Bengal and in other provinces. He has remarked that the rent of Bengal is the lowest of all the provinces in India. But, Sir, it will be found that in Madras the rate of rent is Rs. 2-9 per acre, whereas in the Punjab it is Re. 1-9, in Bengal it is Rs. 3-5. So, apparently, the rate of rent in Bengal is higher. The produce value of Madras is Rs. 34 per acre and that of the Punjab Rs. 25, while the produce value of Bengal is Rs. 50. The homestead land is unassessed in Madras. If we divide the aggregate *raiyati* rent of Bengal by cultivated area, the average rate per acre will be something like 4·11 annas. So, even on the basis of the value of produce, the rent in Bengal is much higher than even in Madras. So it is a mistake to say that the rents of Bengal are lower. Another remark which Dr. Mookerjee has made seems to be rather misleading, namely, that the *raiyats* of Japan are worse off than the *raiyats* of Bengal. On page 313 of the Floud Commission report Dr. Mookerjee says, "It thus appears that the conditions of the Japanese peasantry are hardly more favourable than those confronting the Bengal peasants although Japan is free to pursue schemes of scientific planning in all spheres of her national life, economic or political". In another place, however, he mentions that the yield in Japan per acre is nearly 3½ times the yield per acre in Bengal. He also mentions, on page 312, of the frantic and desperate attempts which the Japanese Government has been making to improve the lot of the agriculturists in Japan by controlling and regulating the price of rice. All that we in Bengal want is this: let the yield of Bengal *raiyats* be increased 3½ times and let frantic and desperate attempts be made on the part of Government to improve their lot and our peasants will be satisfied and more than satisfied.

I shall now proceed to place before the House the case in favour of abolition of the zemindary system. In certain quarters doubts have been expressed if a case for such drastic change has been made out and this is largely due, perhaps, to the misleading figures given by the Hon'ble Minister in his introductory speech. Even my learned friend and colleague, Dr. Radhakumud Mookerjee on page 331 of the report has said that he is game for State purchase if it materially improves the admittedly hard condition of the toiling millions of Bengal. That agricultural improvement is nobody's business is not only admitted but

is also emphatically put down by the learned doctor in his note. But he says that the zemindars have no incentive because of the law. But, Sir, what is the law he complains of? I do not for myself know of any law which prevents the zemindar from improving his estate. On the contrary, I would draw the attention of the House to section 33 of the Bengal Tenancy Act which provides that the zemindar can get enhancement of his rent if he can effect substantial improvement on the holdings of his tenant and if he registers it. So the statement is entirely incorrect. He has remarked that the State is unable to fix responsibility. That is really the reason why the State should take the estates over as its direct charge. So, on his own finding it is clear that the Bengal agriculturists are not being looked after by anybody. The zemindars are unable to look after them because they have no incentive and the Government too on their part are not prepared to look after them. A very large number of the zemindars cannot look after their property because of their own financial condition, because the majority of them are petty landlords who can hardly afford the money to improve the holdings of the tenants or to join together in any co-operative scheme to help the tenants in improving their holdings. The State cannot fix the responsibility nor do they desire to do any effective improvement, because it has not got sufficient funds and also because it thinks that any money expended on this purpose would be unproductive to the State. So, having regard to all these circumstances and in view of the fact that the benefit of any improvement effected would go to the zemindar or the *raiyat*, nothing is done to better the condition of the tenants.

Sir, Government have only step-fatherly affection for the agriculturists where they are not direct tenants of Government at all. Government under such circumstances have to play with the problem of agricultural improvement. They place in the budget certain amount, however inadequate, to do some tinkering here and there. But no real improvement is effected. Look at the Punjab. Read the minutes of our Punjab tour, and at once you will see the difference between State management and private zemindary management. See what paternal care the State took in the agricultural improvement of the province though the State was bureaucratic in form. The peasant proprietors were allowed remission in revenue when low prices were obtained for their produce. Moreover, during depression revenue used to be realised on a sliding scale on the basis of prevailing prices.

Remission and suspension of revenue were allowed liberally for ordinary and extraordinary calamities. Consolidation could be attempted only because there was State management. Land Revenue Committees were set up for reporting on rents on income-tax basis. They did not recommend income-tax basis but they recommended 8-annas remission to all tenants paying less than Rs. 10, and Rs. 5 lump remission to those paying between Rs. 10 and Rs. 25, and they recommended

surcharge on bigger tenants and also Rs. 5 crores agricultural improvement fund to be created for increasing the income of small holders. They spend Rs. 38½ lakhs on agriculture as against Rs. 13 lakhs in Bengal (excluding jute restriction). They have a very large staff including five Deputy Directors, 17 Imperial Service Officers in the Agricultural Department. They are encouraging cottage industries for agricultural fruit production, fruit preservation, poultry-keeping, bee-keeping, lac industry, etc. Their budget of Industries Department is Rs. 21 lakhs as against 14 lakhs in Bengal. Rs. 2 lakhs for State aid at a guaranteed dividend; Rs. 2 lakhs for helping manufacturers of new articles. Debtors Protection Act in the Punjab is in fact a moratorium. There is also the Land Alienation Act passed 40 years ago for the protection of agriculturists. Add to all this the fact that 54 per cent. of the cultivated area in the Punjab is irrigated as against 7 per cent. in Bengal.

Now, what do we see in Bengal? Landlords take no interest in improving the land though section 33 of the Bengal Tenancy Act gives them power to enhance rent on effecting improvements. The smaller landlords have no capacity to effect any improvements at all. They can never join in a body to do anything on a co-operative line. Landlords as a class, except only a very few whose number can be counted on the finger, think it their only duty to realize rent and *salami* for their personal benefit. They do not raise their little finger to help their tenants in distress. They would not allow any remission even in years of famine and scarcity. They do not ask for remission from Government revenue, because such remission is conditional on their transmitting the remission proportionately to the *raiyats*. The result is that the *raiyats* suffer because of the landlords' selfishness. Far from granting remission they were enhancing rents even during periods of depression through the revenue courts at annas four to six per rupee, only because according to the artificial calculations there was rise in the price of rice during the preceding decade. Provision of section 35 was entirely forgotten by the revenue officers. Ever since Permanent Settlement, the zemindars began to tighten their grip on the *raiyats* only because they were declared to be proprietors of the soil. The *raiyats* were meant to be equal partners to the benefits conferred by the Permanent Settlement but they were gradually reduced to the position of serfs. They could not transfer their land without their consent or without the payment of a fine. They could not dig a tank for supplying drinking water or build even a decent house for living in. They could not even cut a tree grown by them in their household, which was wantonly cut and taken away by zemindars as their property. Enhancement was the order of the day and for every new settlement and settlement after transfer they used to realize not only a *salami* but also to enhance rents. In fact, the position is that the zemindar is to do nothing for the *raiyat* but the *raiyat* is to go on

paying ever-increasing demands for the increasing requirements of the zemindar's family.

Sir, in the existing state of things, the Government has no interest in sinking large amounts as it would be unproductive from the Government point of view, the increase in rents not finding its way to the State coffers. Government were generally incapable also of doing any substantial improvement. What is the remedy then? Will mere imposition of agricultural cess as proposed by the learned doctor cure all the ills? At least we can expect one crore annually from such a cess and even that money Government will not be able to spend on any comprehensive scheme as there will be a regular wrangle from every district and every zemindary and every village for a proportionate share. Can we expect to spend anything like 30 crores of rupees as spent in other provinces on irrigational projects alone? Out of this amount can we increase our budget provision on agriculture by 300 per cent. in order to come up to the standard of other provinces? Will the imposition of the cess ensure humane consideration for the *raiyats*? Will the *raiyats* get remission and suspension in the event of natural calamities as in the State-managed provinces? If the zemindary system continues, will they get a sliding scale for payment of rent on the basis of prevailing prices? Can we ever expect under the zemindary system the reclamation of 200 square miles of the *Bhati* area of Mymensingh? We have been crying hoarse but in vain, and we could not even induce Government to do anything. Big zemindars there are not willing to do anything and the petty zemindars are incapable of doing anything. Sir, by spending only Rs. 50 lakhs once and for all on the reclamation of these 200 square miles, Government could increase the annual income of the *raiyats* by Rs. 50 lakhs if not more. Sir, will the imposition of agricultural cess alone enable Government to reclaim these 200 square miles? Will it enable Government to reclaim $3\frac{3}{4}$ millions of acres of culturable waste lands which exist in Bengal (*vide* Appendix IX of Floud Commission report) and is still lying fallow. Zemindars complain of bad payment of rent and arrear rent but have they ever considered that 70 per cent. of the tenants hold uneconomic holdings and cannot get even the bare subsistence? Have they done anything or are they prepared to do anything to improve the lot of the *raiyats* or alleviate their suffering? Government can take, as I have said, only an indirect interest in these matters so long as the zemindary system exists.

But if lands are nationalised, these problems will be all national problems and the State will proceed with a well-planned scheme. It could float loan for larger projects to be ultimately liquidated from the increase in the income of the *raiyats*, as the State has done in other State-managed provinces. The State could spend $29\frac{3}{4}$ crores of rupees for irrigation for the small province of Sindh, because it was expected

to be productive in the long run. Can Bengal with its zemindary system ever dare spend such a large amount for agricultural improvements? And yet unless such large and still larger amounts are spent, no appreciable gain can be expected. Then again, the fact that under State management the State automatically gets the services of the tehsil staff who are directly responsible to Government for distribution of agricultural seeds, for translating into action the various instruction of the Agriculture Department and for improvement of agriculture, is not a small advantage.

So, these are the grounds in favour of the nationalisation of lands. Add to these the financial gain which is expected to be more than the agricultural cess even from the first year and will eventually rise to as much as 8 crores, which is equivalent to two-thirds of Bengal's total revenue. If we could secure 8 crores, we could spend as much as 3 crores for agriculture, 2 crores for industries, 2 crores for primary education and 1 crore for secondary and technical education. Bengal could then really lead all the other provinces of India. Our ideal certainly is not the present-day *khas mahal* management of Bengal which owing to its association with zemindary *mahals* has become tainted and mercenery—rents there being higher than those in zemindary *mahals* and no consideration being shown to *khas mahal* tenants even in years of depression. Our ideal is not even the Punjab though State management there is far better than zemindary management in Bengal. Our ideal will be an improvement on the Punjab system—not only 43 per cent. of landholders but cent. per cent. of them being made real peasant proprietors, subletting and leasing out in *barga* being rigorously stopped for future on penalty of forfeiture.

We are told by the supporters of the zemindary system that the system is so intertwined with the very fabric of social and economic structure of Bengal that with the abolition of zemindary system the social and economic structure of Bengal is bound to collapse and there will be an unimaginable chaos. But how will society be affected at all with the abolition of the Permanent Settlement? The great middle class of Bengal will continue to hold key positions in the country as in other provinces where there is no Permanent Settlement. Instead of investing money in lands, they will invest in trade and commerce and that will be a decided gain, as Bengal will then be able to wipe out the reproach that it is unenterprising. The money hitherto locked up in lands will find free circulation and the stagnation which is the curse of Bengal will disappear. Landlordism being abolished, the mass will acquire a fresh sense of self-respect and will be able to make progress freely and meet on equal terms with all, with heads erect. Their intelligence, energy and industry will find free-play. Does not the example of provinces where Permanent Settlement does not exist justify this hope? Are Bombay, Madras or Sind or Gujrat in any way

behind Bengal? They are on the contrary far in advance of Bengal in commerce and industry and the reason is obvious.

Then as to its economic phase. Dr. Mookerjee shed tears for 15 millions of men dependent on Permanent Settlement for their living. But what is their average income from land? The aggregate net income is 7·79 crores, and this being divided among 15 millions of people who depend on land gives an average of Rs. 5-3 per head per annum. If the income of the larger landlords who consist of about 700 be excluded, then the average income of the remaining dwindles down to rupees four per annum. Can a human being subsist on this income, Sir? An ordinary family is supposed to consist of 5 members and so the income of an average family dependent on land will be only Rs. 20 per year. Instead of rupees twenty for this family of 5, it will be far better for the middle class man to have ten times 20 or Rs. 200 in lump for starting a small business from which he can perhaps make a profit of Rs. 100, instead of being satisfied with this paltry sum of Rs. 200 per annum. The small and rather negligible income that he gets from land induces him to think that he has something to fall back upon and makes him lazy and inactive; at the same time it creates a false sense of dignity in him which prevents him from doing any manual labour. So, the sooner this state of affairs is ended the better it is for the country and its people.

I wish to refer now to some of the important facts in Mr. Gurner's report. Mr. Gurner in his introduction says that an examination of the financial aspects of the Commission's proposals leads to two essential conclusions:—(1) The estimates framed by the Commission in Chapter 3 of the report are of little financial value because of defects and omissions in calculations and (2) that the prospect of financial profit is illusory.

As to defects in calculation, he complains that the calculation made does not include cost of acquiring superior right of cash-paying under-*raiyat* or *bargadar*. But in coming to discuss the details, he has mentioned that so far as the cost of acquiring the superior interest of cash-paying under-*raiyat* is concerned, in paragraph 114 the Commission has given the amount that will be required for acquiring the properties as 9 crores. It is not thus very material that it has not been shown in the main calculation of the cost of acquisition when it has been mentioned in another place. As regards *bargadars*, however, the Commission has intentionally withheld giving any calculation of the cost of acquiring superior interest, as no decision was taken as to whether the crop rent of the *bargadars* would be commuted and it was not known what the commuted rent would be. It was thus not possible for the Commission to base any calculation on unknown and absolutely vague figures.

Mr. Gurner has given a catalogue of the important things which have been left out but I say that most of them are of negligible importance and would not affect the aggregate cost materially. He has given a list of 12 items of which only item (*iv*) seems to be of some importance and on account of this item the aggregate cost may increase by 10 or 15 crores; but as there was absolutely no material before the Commission regarding assets of Trust and Wakf Estates, the Commission did not think it worth while to include it in the cost. But even this omission is not so serious as to affect the point at issue vitally. The additional matters pointed out may increase or decrease the cost of acquisition by a few crores only, but then there will be corresponding increase or decrease in the assets and consequently in the net profit in the transaction. But, Sir, the cost of acquiring tenure in *khas mahal* land which is item (*iii*) of Mr. Gurner's report has been wrongly included in the items of omission, as in the calculation in the Commission's report only the cost of acquiring temporarily-settled estates and permanently-settled estates have been taken into account and not *khas mahal* lands at all. So, the question of tenures in *khas mahal* land do not arise and it has been wrongly put down.

Mr. Gurner in his note mentions that accurate figures of cash can be calculated by the Director of Land Records. The latter has already started making an inquiry in Barisal and he will be able to give a clue as to how this calculation would be more accurately done. May I draw the attention of the House to the fact that the Commission consisted of the Permanent Director of Land Records as it Secretary and two ex-Directors of Land Records, one of whom rose to be a Commissioner of a Division and another a Member of the Board of Revenue, and that I think it will be futile to expect that what the Commission could not achieve, the Director of Land Records will succeed in doing. Sir, it is impossible to get exact figures. No Director of Land Records nor even any expert or the Member of the Board of Revenue could find out the exact figure, unless he actually proceeded with the work and calculated the actual figures. But even then, it will be the figures for one single district which cannot be an index for other districts. Then comes the second point of Mr. Gurner that the prospect of financial gain is illusory. This is based on the impression that full market value has to be paid for acquiring zemindaries. He said that on the supposition that the Government was bound to pay the actual market value to the zemindars. But that question has been set at rest by the opinion of the Advocate-General who has opined that any amount which is considered fair by the Legislature can be paid. Now, Sir, what amount is to be considered fair? The zemindar-members of the Commission in their notes of dissent have claimed 20 times the net profit as consideration and have said that if only 10 times be paid as price for acquisition, it will be clearly expropriatory. The zemindars apparently look to only

one side of the picture. On reference to paragraph 20 of my note of dissent it will be found that the existing rents of the *raiyats* include enhancements which were never contemplated under the Permanent Settlement and were definitely forbidden by Regulation IV of 1794. It is true that the Tenancy Legislation of 1885 provided for enhancements, but it was clearly against the intention of the authors of Permanent Settlement and nothing was paid to the tenants as compensation and thus by providing for enhancements the tenants were clearly expropriated. In this connection paragraphs 8 to 12 of my note is worth referring to. The two European members of the Rent Law Commission of 1882, Mr. Mackenzie and Mr. O'Kenealy, one an expert Revenue Officer and the other an eminent Judge, were definitely against the provision of enhancement and Mr. O'Kenealy had roughly calculated the extent of expropriation of the *raiyats* and observed that they were deprived of the enormous sum of £16,51,00,000 sterling which was given to the zemindars "who still cry for more". But as the tenants had no real representatives to present their case in the then Legislature, the enhancement provision was enacted in spite of opposition by eminent European members.

It has been calculated by me, Sir, and found that the expropriation in respect of the *raiyats* has been to the extent of Rs. 5,00,00,00,000 on account of enhancement alone, since the time of Permanent Settlement. All these patent facts cannot be ignored and they must be given due weight in determining the rate of compensation proposed to be given to the zemindars. In paragraph 20 of my note of dissent I have calculated that at the Permanent Settlement rate of rent, as found from Mr. Colebrook's invaluable book "Husbandry and Commerce of Bengal", the present *raiyati* assets should have been 4·46 crores. From this Rs. 2·15 crores being deducted as revenue now paid, the net profit would be 2·31. From this 14 lakhs is to be deducted as zemindar's portion of cess and 66 lakhs (or 15 per cent.) as cost of collection and litigations. The net income of the zemindars on the basis of Permanent Settlement *raiyati* rate would then be 1·51 crores. The capitalised value of this at 20 years' purchase would be 30·20 crores. To this if another 5 crores be added for waste and uncultivable lands, the total would come to 35·2 crores as against 77·9 crores calculated on 10 times' basis of existing rents in paragraph 128 of the main report. Thus, on the basis of unenhanced rentals even at 20 years' purchase, the zemindars cannot claim more than 35·2 crores which works out at less than 5 times their present net assets which is 7·79, as shown in paragraph 128 of the report. The zemindars have so long enjoyed the enhanced rentals which were never intended to be enjoyed by them by the framers of Permanent Settlement and expropriated the *raiyats* to the extent of 500 crores. It will be putting a premium on injustice and inequity if they are to be given compensation even for the enhanced portion of

rent. In justice and equity, the zemindars cannot claim more than 5 times their present assets as compensation for State acquisition.

Five times of the net income thus seems to be the fairest amount that can be paid as compensation to the zemindars. The Commission have recommended that the compensation to the landlords be paid in 4 per cent. Government securities, to be redeemed after 60 years, and, for this purpose, on ten times' basis they have calculated that securities for 98 crores of rupees will have to be floated. The floating of securities of such a huge amount may seriously affect the share market and the price of securities may go down appreciably, thereby affecting the interest of the landlords who may be in need of converting the securities into fluid money by sale in the share market for purposes of trade, commerce and industry. That point has been pointed out by the Finance Department.

Sir, to-day also we have been informed by the Hon'ble the Revenue Minister that the Finance Department has said that there will be a loss of 2 crores or something like it if this procedure of floating loans and making payment to the zemindars were followed.

The Commission have opined that the acquisition scheme cannot proceed until and unless there has been prepared an up-to-date record of rights and if settlement proceedings be carried on in 3 district basis, it will take at least 25 years to carry through the programme of acquisition. The Commission has calculated and put down 5·8 crores as the cost of revising the record of rights.

But all these apparent difficulties can be obviated if instead of immediate purchase, Government decide upon first taking over charge of all the zemindary estates together with the interests of intermediate tenure-holders for purposes of management just like the Court of Wards' estates and continue to manage the estates and tenures for 25 or 30 years during which period a certain portion of the annual collections may be deposited every year to a Reserve Fund to be created for meeting special contingencies from which compensation to the landlords might be eventually paid. According to this scheme if Rs. 100 be the gross collection of an estate, about Rs. 25 will be paid as land revenue and cess, Rs. 15 will go as collection and litigation charges and Rs. 10 as remissions and irrecoverables. The net income of landlords will then stand at Rs. 50 out of which Rs. 30 may be paid to the landlords as their allowance, Rs. 10 may be spent on improvement works in the estates and Rs. 10 may go to the Reserve Fund.

The financial result of the scheme has been calculated and it has been found that in 30 years there will be sufficient money in the Reserve Fund, if the management is efficient, to pay off the zemindars at 10 times.

According to this scheme, therefore, in 30 years there will be an accumulation of Rs. 690-3-3 in the Reserve Fund including simple interest at 3 per cent. and arrear rent realisation. Rs. 50 being the net annual income, 10 years' purchase would amount to Rs. 500. Rs. 50 will be paid to landlords for arrear rents and there will remain Rs. 140-3-3 which will go towards construction of tehsil offices etc. At 5 times' purchase the acquisition may be completed in 15 years. The advantages of this scheme are apparent. Government at once proceeds to take over charge of the estate without waiting for revision of record of rights. Government by managing the estates for several years will be able to know exactly what amount is to be paid to the holder of each interest. At the same time the landlords will get time to adapt themselves to altered circumstances. Landlords will get about 30 per cent. of their gross or three-fifths of their net income as allowance and after 14 years will get 6 times of their net annual income and after 27 years will get 11 times of their net income as compensation, when the allowance will stop and the State acquisition will be complete. Landlords ought to be satisfied with three-fifths of the net income as allowance. It is doubtful if even 10 per cent. of the landlords actually get more than this as their net income now. The 10 per cent. contribution for improvement should not be grudged by any landlord especially as it may be taken as amend for their negligence in improving their estates and thereby improving the condition of the *raiyats*. The other 10 per cent. which will go to the Reserve Fund ostensibly for meeting deficits in collection will really be available because of efficient management under Government although but for Government interference it would have gone to swell the amount of time-barred rentals. From landlords' point of view, therefore, the scheme cannot be questioned. In fact, it is believed that instead of being dismissed with security bonds now, the reasonable section of the landlords will prefer a cash allowance of three-fifths of their net income and cash payment of 11 years' net income after 27 years or even 30 years. Government will get immediately 10 per cent. of gross income which will amount to 1·3 crores annually for effecting improvements of lands and with this substantial amount Government will be able to improve the lot of the *raiyats* appreciably within a few years. After 27 years or 30 years, the money payable as allowance to landlords and as contribution to the Reserve Fund will be wholly available for ameliorative measures and this will amount to more than 5 crores annually. After working the scheme for 30 years, if the money in the Reserve Fund be found not sufficient for payment of purchase money, the period of State management could be extended for another 10 or 15 years.

In the scheme outlined above there is absolutely no risk at all, as the Government will be in possession of full facts before actual acquisition proceeds; and the revolution will take place almost imperceptably without causing any dislocation or giving any rude shock to any class of

people. I would therefore strongly urge this new scheme of acquisition in preference to the one recommended by the Commission.

There is one other point which is perhaps worth discussing here. The question of acquisition of *bargadars'* superior interetss is a problem for which the Commission could not suggest any satisfactory solution, although they have laid considerable stress on the problem and have said that they should all be declared tenants and one-third of the produce should be fixed as the maximum rent payable by them. But declaring them tenants and yet not acquiring their superior right will mean retaining intermediate landholders of a worse type than the zemindars lording over the poorest of the tenantry who are far more helpless than the ordinary cash-rent-paying *raiyats*. The Commission's recommendation does not therefore solve the problem. It is a known fact that the vast majority of middle-class *bhadralogs* get their lands cultivated by *bargadars* and there will be a serious dislocation if any drastic change is made in the present *barga* system. But at the same time the fact that the land cultivated under *barga* system is steadily on the increase and even at present as much as 20 per cent. of the land is cultivated by *bargadars* cannot be passed over indifferently.

The ideal of bringing the actual cultivator in direct touch with the Government cannot be achieved if *barga* system is allowed to continue. If the system goes on increasing as now, it may entirely frustrate the very object of State acquisition of zemindary right and in no distant future we may find the majority of the actual cultivators holding as *bargadars* under a worse type of landlords who will not be satisfied with anything less than one-half or one-third of the produce as rent. In this matter I would like to follow the line of least resistance in solving the problem, and to achieve the object we have in view gradually and imperceptibly without causing any dislocation. My idea is to allow the 20 per cent. land now held under the *barga* system to be cultivated by *bargadars* according to the system now prevailing in the country but to stop rigorously any further land being let out on *barga* system by definitely legislating that lands not hitherto cultivated under the *barga* system could not be let out under that system and in case they were so let out, the *bargadar* would acquire occupancy right and would be entitled to have his rent commuted to the prevailing cash rent of the locality. It may further be enacted that a complete record of all lands now held in *barga* should be maintained and lands changing hands should be excluded from the record, the effect of which will be that the transferee will get the land as ordinary land and not as land in respect of which the *barga* system is allowed. If this procedure is followed, the lands held under *barga* system will steadily decrease with transfers every year and eventually the system will dry out. *Bhadralogs* purchasing lands in future will do so with their eyes open, knowing

full well that they will not be able to enjoy them by letting out in *barga*. The net result will be that lands will be purchased only by those who will be able to cultivate themselves or through hired labourers. Provision will, however, have to be made for temporary subletting on behalf of orphans, widows, deceased persons, etc., during the period of this disability. It will thus have no salutary effect of indirectly stopping the passing of land to non-agriculturists. The solution suggested by me has its analogy in the *khamar* and *nijote* system of the Tenancy Legislation of 1885. The legislators in 1885 had recognised the landlords' right of using their time-honoured *khamar* and *nijote* lands in any way they liked—the tenants of such lands never acquiring any occupancy right. But at the same time they definitely stopped further extension of the system by providing that such lands should be especially recorded and new lands acquired subsequently by the landlords as *khas* land would not be treated as *khamar* but as ordinary *khas* land in which occupancy right would accrue. The result of this has been that the old type *khamar* and *nijote* lands, in which occupancy right was barred, has entirely disappeared now. I expect the same result in respect of *barga* lands. Thus, our ideal of bringing all the cultivators under direct touch with Government will be eventually achieved and every year we will be nearer the goal. At the same time it will cause no dislocation. It is not necessary to recapitulate the defects of the present land system as detailed in paragraphs 80 to 88 of the Commission's report for remedying which the majority of the members are definitely of opinion that no other solution than State acquisition of zemindary right will be adequate. To justify State acquisition it is hardly necessary to consider these details. It is an anomaly and an anachronism to find that even in this 20th century the *raiyats* of a whole province should pay full land tax for the lands they cultivate and yet not even one-fourth should go to the coffers of the State for return to them in the shape of social services and more than three-fourths should be intercepted by private individuals for their own comforts and luxury, only because at a weak moment the then paramount power (a Trading Company) in their own interest had considered certain permanent arrangements to be necessary and had declared that the arrangements should remain unaltered for all time to come. The people of the country were no party to the arrangement and it will be a sin and a crime if the people after getting powers to set right the error in the interest of the country, sleep over it and allow more than three-fourths of the entire land revenue to be diverted every year for private use, knowing full well that for want of money in the coffers of the State, their agriculture, their primary education and their indigenous industries are being starved to death. Now that the Government has got the opinion of the expert Commission in favour of State acquisition and from what has been stated by me it is found

that effect can be given to a scheme of State acquisition immediately without fear of any risk and without causing any undue hardship to any class of people, it will be up to the autonomous Government to take courage in both hands and to take decision immediately for necessary legislative measures for State acquisition of zemindary rights.

I have now only one word to say to my friends of the landholding class. Being a small landholder myself, I have natural sympathy for them but I would not allow my sentiments to get the better of my judgment and reason. The landholding class should not be so drunk with the idea of their past glories as to forget present realities. Leaving aside all controversies as to the actual right of zemindars and tenants, is it not a fact that 80 per cent. of the voters in the legislative constituencies being tenants, it is only natural that the members who will come to the Legislature will always try to pass some legislation in favour of the tenants and consequently against the landholding interests?

Is it not a fact that they have already made some legislations which the zemindars think are against their interest but yet that could not be prevented? They have already succeeded in causing a breach in the hitherto impregnable right of the zemindar. The breach once caused must grow wider day by day as long as the present democratic current exists, and there is nothing to prevent it. The encroachment on the so-called right of the zemindars will continue unabated and probably with double and treble force after every new election. What will then be the inevitable result? The zemindaries will become gradually valueless and the zemindars will certainly fail to pay the liabilities of the State. The State will then get the zemindaries without paying a pie for the acquisition. That being so, is it not wise and prudent that they should agree to a proposal which will at least give them and their descendants something to fall back upon and in the meantime their interest will be protected by the State and they will get subsistence allowance till the State finally acquires their right on payment of a substantial amount in cash? Under the present altered circumstances, State acquisition will not only help the tenants and the country in general but will be of benefit to the landholding class itself. The landholders should therefore think a hundred times before they oppose the scheme outlined by me and in my opinion they should accept it at once in good grace. If they and the supporters of vested interests honestly consider the points explained by me this afternoon, I am confident that as responsible people of the country, they will find that a clear and strong case has been made out for nationalisation of lands in Bengal and a practical solution of the problem has been hit at. The sooner the present deplorable condition of the *raiyat* is ended, the better it is not only for the *raiyat* and zemindars but also for the country as a whole.

Mr. PRESIDENT: Rai Bahadur Manmatha Nath Bose.

Rai Bahadur MANMATHA NATH BOSE: Sir, the House is practically empty. Only 9 members are present——

Khan Bahadur NAZIRUDDIN AHMAD: There are 10 members in the House.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I think it is better to adjourn the House to-day and resume discussion on this subject on the 19th, as members do not seem to display much enthusiasm for continuing the discussion to-day. It is no use talking to empty benches——

Khan Bahadur NAZIRUDDIN AHMAD: Sir, we are prepared to stay on and make as much progress as possible to-night.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, my honourable friend has already spoken; he has no right to speak again.

Mr. PRESIDENT: Although there is quorum, the House is very thin now. So, as suggested by the Hon'ble Leader of the House, I adjourn the House.

The Council stands adjourned till 2-15 p.m. to-morrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Tuesday, the 12th August, 1941.

Members absent.

The following members were absent from the meeting held on the 11th of August, 1941:—

(1) Mr. Kader Baksh.
(2) Mr. Shrish Chandra Chakraverti.
(3) Mr. Bankim Chandra Datta.
(4) Mr. Kamini Kumar Dutta.
(5) Khan Bahadur Alhadj Khwaja Muhammad Esmail.
(6) Mr. Mohamed Hossain.
(7) Khan Bahadur Syed Muhammad Ghaziul Huq.
(8) Maulana Muhammad Akram Khan.
(9) Mr. J. McFarlane.
(10) Mr. Naresh Nath Mookerjee.
(11) Dr. Radha Kumud Mookerji.
(12) Mr. Ranajit Pal Chowdhury.
(13) Khan Bahadur Mukhlesur Rahaman.
(14) Dr. Kumud Sankar Ray.
(15) Mr. W. F. Scott-Kerr.

B. G. Press—1941-42—6878A—750.

Second Session—No. 10.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 12th August, 1941, at 2-15 p.m., being the tenth day of the Second Session, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Appointment of Sales Tax Officers.

17*. **Mr. LALIT CHANDRA DAS (on behalf of Mr. Birendra Kishore Roy Chowdhury):** Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(a) if appointments of 21 more Sales Tax Officers to operate the Bengal Sales Tax Act will be soon made in addition to the appointments already made in consultation with the Bengal Public Service Commission;

(b) if these appointments will also be made on the advice of the Bengal Public Service Commission; and

(c) if not, why not?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (a) and (b) Yes.

(c) Does not arise.

Appointment of Sales Tax Commissioner.

18*. **Mr. LALIT CHANDRA DAS (on behalf of Mr. Birendra Kishore Roy Chowdhury):** Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(a) the number of appointments as Commissioner, Assistant Commissioner and Sales Tax Officers made to operate the Bengal Sales Tax Act;

*N.B.—Answering of questions Nos. 17 to 19 were postponed on the 4th August, 1941.

(*b*) if these appointments were made on the advice of the Bengal Public Service Commission;

(*c*) if so, whether the appointments were made in the order in which the nominations were made by the Public Service Commission; if not, why not; and

(*d*) what were the names in order of nomination submitted by the Commission and the names of persons appointed by the Government?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) One Commissioner, 5 Assistant Commissioners and 19 Commercial Tax Officers.

(*b*) The appointments to the posts of Assistant Commissioner and Commercial Tax Officer were made after consultation with the Bengal Public Service Commission.

(*c*) The order in which the nominations were made by the Public Service Commission was followed generally: where any departure was made, such departure was made on administration grounds and the need for special qualifications such as a knowledge of Marwari.

(*d*) Government do not consider that it will be in the public interest to publish detailed lists of the Public Service Commission's nominations.

Receipt from jute export duty.

19*. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Finance Department be pleased to state what has been the total receipt on jute export duty from the Government of India during the financial year ending in March, 1941, including the receipt in March last? And what was the total receipt under this head in the year previous?

The Hon'ble Mr. H. S. SUHRAWARDY: The information is given below:—

Year.	Receipt.
	Rs.
Financial year ending in March, 1941	1,59,17,111
Financial year ending in March, 1940	2,21,96,96[illegible]

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state what is the subject-matter of the question and the answer?

The Hon'ble Mr. H. S. SUHRAWARDY: The question and the answer speak for themselves.

Mr. HUMAYUN KABIR: We have neither before us.

(Mr. President called the next question.)

Mr. HUMAYUN KABIR: On a point of order, Sir. Would you kindly direct the questioner to read the question so that we may know what is the question and what the answer refers to?

Mr. PRESIDENT: These questions together with the printed answers were circulated to the members long before by the office and it is the duty of the members to keep with them all papers so circulated.

Mr. PRESIDENT: Next question.

Rai Sahib JOGENDRA NATH ROY: No. 33.

Mr. MESBAHUDDIN AHMAD: Sir, the Nawab Bahadur is indisposed and the questions relating to his department might be postponed.

Mr. PRESIDENT: This question is postponed. If it is not possible for any Hon'ble Minister to be present on any particular day, intimation to that effect should be sent in time, so that those questions may not be taken up.

Release of Sj. Jitendra Nath Chakraborty.

40. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether Sj. Jitendra Nath Chakraborty of the Inter-Provincial Conspiracy Case was due for release from prison on the 24th May, 1941? If so, was he released on that date?

(*b*) Is it a fact that the said prisoner was retaken as a security prisoner and detained in Hijli Jail before he could get the benefit of release?

(*c*) Are the Government aware that the re-arrest of the said Sj. Jitendra Nath Chakraborty has brought a severe strain on the health of his parents who were anxiously expecting him home?

(*d*) Have the Government received any petition on his account from Sj. Anath Bandhu Chakraborty of post office and village Katarapara, police-station Doudkandi, district Tippera, who is the father of the said prisoner?

(*e*) If the answer to paragraph (*d*) be in the affirmative, will the Hon'ble Minister be pleased to state whether Anath Babu has undertaken in that petition to remain responsible for the good conduct of the said Sj. Jitendra Nath Chakraborty?

(*f*) Do the Government propose to release Sj. Jitendra Nath Chakraborty now? If not, will the Hon'ble Minister be pleased to state reasons therefor?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) and (*b*) Yes.

(*c*) No, but the prisoner has represented that his mother was much disappointed and distressed thereby.

(*d*) No.

(*e*) Does not arise.

(*f*) No. His continued detention is expedient as a security measure.

Establishment of tanning and small weaving factories at Chittagong.

41. Mr. NUR AHMED: Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*a*) how many small weaving factories have been started in Bengal, and how many in Chittagong up to the year 1940; and

(*b*) whether it is a fact that the Cottage Industry Survey Committee in their report have recommended the establishment of tanning and small weaving factories at Chittagong; if so, whether the Government propose to take any action upon these recommendations; if not, why not?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) The following figures of weaving families and workers have been collected in the course of a recent survey conducted by the Industrial Intelligence Section—

	Number of weaving families.	Number of workers.
Bengal	81,260	196,611
Chittagong district ..	1,612	3,613

Separate figures are not available for small weaving factories, but all weaving establishments including small weaving factories are included among weaving families.

(*b*) The honourable member apparently refers to the Bengal Industrial Survey Committee which have not yet submitted their report on the subject.

Mr. NUR AHMED: Arising out of (*b*), I referred to the Cottage Industry Survey Committee which had submitted its report in 1928. I did not mean the Committee which is still holding its investigations.

So will the Hon'ble Minister be pleased to state in this view of the fact whether that Committee recommended for the establishment of a training school at Chittagong?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, as we understood the question, so we replied. Now, if the honourable member wants this question to be answered, I want notice for that.

Union Jute Committees of Faridpur.

42. Mr. HUMAYUN KABIR: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*i*) whether the Chairman of the Union Jute Committees in the district of Faridpur and other places are nominated by Government or are elected by such Committees; and

(*ii*) what are the names of the present Chairmen of the different Union Jute Committees in the district of Faridpur?

(*b*) Will he be pleased to state whether in the district of Faridpur, there were cases where the Chairmen of the Union Jute Committees were first nominated as Chairmen of such Union Jute Committees and subsequently were suddenly removed from such posts and the vacancies were filled up by new candidates nominated by Government in their places?

(*c*) Will the Hon'ble Minister be pleased to state the reasons in each of such cases where the Chairman of the Union Jute Committee once nominated has been suddenly superseded by certain other nominee of Government?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) (*i*) Under section 6(3) of the Jute Regulation Act, 1940, read with rule 27 of the rules made thereunder, the Chairmen and members of Union Jute Committees are appointed by the Collectors of the districts.

(*ii*) A list is laid in the Library.

(*b*) There has been no such case. There was, however, one case of mistaken publication in the Gazette which was corrected by the Collector in the very next issue.

(*c*) Does not arise.

Mr. HUMAYUN KABIR: Arising out of (*b*), will the Hon'ble Minister be pleased to state whether the mistake took place at Faridpur or at Calcutta?

The Hon'ble Mr. TAMIZUDDIN KHAN: The mistake was in the Gazette.

Mr. HUMAYUN KABIR: Is the Gazette printed at Faridpur or at Calcutta?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, am I to answer questions like these?

Mr. HUMAYUN KABIR: How can the name be printed at Calcutta unless it is sent from Faridpur. (No answer.)

Did the Collector in making these appointments act in his discretion or on his own individual judgment?

The Hon'ble Mr. TAMIZUDDIN KHAN: So far as the Collector is concerned, when he acts under the Jute Regulation Act, there is nothing like individual judgment or discretion. Everything lies in him so far as the nominations are concerned.

GOVERNMENT BILLS.

The Workmen's Compensation (Bengal Amendment) Bill, 1941.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to move that the Bill be referred to a Select Committee consisting of—

(1) Mr. Latafat Hossain,
(2) Mr. K. C. Roy Chowdhury,
(3) Khan Bahadur Naziruddin Ahmad,
(4) Khan Sahib Abul Quasem,
(5) Mr. J. B. Ross,
(6) Mr. J. McFarlane,
(7) Mr. Naresh Nath Mookerji,
(8) Mr. Birendra Kishore Roy Chowdhury,
(9) Mr. Lalit Chandra Das,
(10) Raja Bhupendra Narayan Sinha Bahadur, and
(11) myself,

with instructions to submit their report by the 20th August, 1941, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Mr. HUMAYUN KABIR: May I rise on a point of order, Sir?

Mr. PRESIDENT: Yes, what is it?

Mr. HUMAYUN KABIR: You were pleased to direct the other day that so far as the European Group is concerned, they were not to be regarded as part of the Coalition Party since they sometimes support the Ministry, sometimes remain neutral and sometimes oppose the Ministry. In connection with the last Select Committee moved by the Government, you were pleased to state that since three members were given to the Opposition and two members to the European party, therefore five members were given to the Opposition——

Mr. PRESIDENT: When was it? On the last occasion?

Mr. HUMAYUN KABIR: Yes, on the last occasion, when Sir Nazimuddin moved for a Select Committee——

Mr. PRESIDENT: First state your point and then elaborate it, if necessary.

Mr. HUMAYUN KABIR: My point is this: You were pleased to lay down that a certain proportion, according to the strength of each party, should be maintained in the constitution of a Select Committee and the strength of the different parties in the House should be reflected in the personnel of Select Committees. And my present point is that in the composition of this Select Committee this principle has not been followed.

Mr. PRESIDENT: In what respect has it not been followed?

Mr. HUMAYUN KABIR: Now I am coming to my argument. That principle has not been followed, since you were pleased to direct that the European Group is an independent party and not a part of the Coalition.

Mr. J. B. ROSS: On a point of order, Sir. Can a member make a speech while rising on a point of order?

Mr. HUMAYUN KABIR: Sir, I think that there cannot be another point of order to a point of order. Sir, may I explain how I came to make what looks like a speech in this connection? You, Sir, were pleased to ask me to place my argument and adduce reasons in support of the point of order. I think, therefore, that the honourable member who has just risen on a point of order was absent at any rate mentally, for otherwise he would not have tried to raise a point of order on my point of order, as he has just done. However, Sir, to proceed with my argument. You were pleased to lay down that the strength of the

different parties in this House shall be reflected in the composition of Select Committees. In this connection, you laid down that the European Group was not to be considered as a part of the Coalition Party. On that ground, I find that representation of four members from the Opposition is all right together with the representation of two members from the European Party; but on the above principle I find that the Coalition Party is grossly under-represented. Some members might ask as to what interest I may have in the representation or non-representation of the Coalition Party. My point in reply is this: once you have laid down a principle for the safeguarding of the interests of different sections of this House, it should not be violated or varied, whether it be in the interests of the Coalition Party or of the Opposition. Some uniform procedure should be followed and it should not vary in the interests of any party.

Mr. PRESIDENT: My ruling about the composition of Select Committees was not merely my direction but that is the procedure provided for in our Rules. The honourable member will please refer to rule 56 (*2*) of our Rules, where it is provided that the appointment of a Select Committee should be made in such a manner as to represent, as far as possible, the different parties in the Council. The Chair is to see that parties are properly represented; and if the honourable member will look around, it will be apparent to him that the representation given to the different parties on the proposed Select Committee is not disproportionate to the present attendance of the parties in the House. But as regards this particular Bill which is a Labour legislation, the Chair is also to see that both Labour and employers' interests are adequately represented on the proposed Committee.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, the purpose of the Bill is to provide a cheap and satisfactory method for obtaining medical opinion on points that arise for decision in workmen's compensation cases. Often enough, the nature and extent of the permanent disablement of the worker, the duration of his temporary disablement, the question whether the incapacity is temporary or permanent or is due to accident or otherwise, or whether a workman has contracted any occupational disease covered by Schedule III of the Workmen's Compensation Act, are hotly contested by both parties. Medical evidence is led on both sides. It is to be taken down meticulously by the Court and cross-examination is frequently of an acrimonious nature. All these considerably lengthen the proceedings and involve very much expense to both sides. In many cases, the worker finds himself unable to compete with the employer and to lead medical evidence of an equal calibre. In order to save all this trouble and expense to all parties, including the court itself, we have thought it advisable to fall in with the English practice and to appoint official medical referees, to whom

any medical question in dispute between the employers and the workmen may be referred by the Commissioner for Workmen's Compensation for a report and whose report will ordinarily be binding on both parties. As section 20 (*iii*) of the Workmen's Compensation Act empowers the Commissioner to appoint a medical assessor either on his own initiative or on application of any party, it is proposed in this Bill to make such reference compulsory if both the parties agree. In England, a certificate furnished by such a Medical Officer to whom the matter has been referred is conclusive evidence regarding the matter certified by him. Here, however, we propose empowering the Commissioner to allow parties to adduce further evidence on the subject if he thinks it expedient in the interests of justice to do so and for reasons to be recorded in writing. I am confident that the facilities which we are giving will be appreciated by both the sections, and that parties will resort to them as a matter of usual practice. I do not think it is necessary to go further in this Bill than that reference should be made on the joint application of the employer and the workmen. If we find that the workmen are being exploited and that the more expensive procedure of conducting the evidence in court through rival medical practitioners is not abandoned, we may have to tighten up the legislation, but I would like to give as much opportunity as possible for joint action.

As regards the medical referees, it is proposed that the Provincial Government will appoint a panel of suitable medical practitioners. If both the parties agree upon a particular medical referee, the Commissioner will be bound to refer the dispute to him. If the parties do not name a particular person but merely agree that the matter may be referred to a medical referee, the Commissioner will himself select a person out of this panel. It is clear that medical practitioners who have already been employed for the medical treatment of an injury to a workman or of an occupational disease contracted by him or employed on behalf of any insurers interested in the proceedings, will be prohibited from acting as medical referees in respect of such injury or disease. If the workman obstructs medical examination or refuses to submit himself for medical examination, his right to compensation under the Act will be suspended until such examination has taken place. The scale of fees for payment to medical practitioners will be laid down by rules, and the Commsisioner will be competent to decide as to the division of costs between the parties. In this measure too, I am glad to have had the concurrence of the Bengal Chamber of Commerce and of the employers generally. Any suggestions or improvement can be adjusted in the Select Committee.

Sir, I commend my motion to the approval of the honourable members of the House.

Mr. PRESIDENT: Motion moved: that the Workmen's Compensation (Bengal Amendment) Bill, 1941, be referred to a Select Committee consisting of—

(1) Mr. Latafat Hossain,
(2) Mr. K. C. Roy Chowdhury,
(3) Khan Bahadur Naziruddin Ahmad,
(4) Khan Sahib Abul Quasem,
(5) Mr. J. B. Ross,
(6) Mr. J. McFarlane,
(7) Mr. Naresh Nath Mookerji,
(8) Mr. Birendra Kishore Roy Chowdhury,
(9) Mr. Lalit Chandra Das,
(10) Raja Bhupendra Narayan Sinha Bahadur, and
(11) the mover,

with instructions to submit their report by the 20th August, 1941, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Mr. NUR AHMED: Sir, with your permission, speaking in my individual capacity and not as a member of the party, I wish to say a few words with regard to the provisions of this Bill. I must admire the spirit which underlies this legislation, but there is some apprehension in my mind about the working of the Bill. It appears that the purpose of this Bill is to shorten the proceedings pending before the Commissioner appointed under the Workmen's Compensation Act, as also to minimise the expenses.

Now, Sir, as the law stands, the party gets full right to examine the medical practitioners in the proceeding. But after this Bill becomes law, the party will be bound to select from among the list of medical practitioners. And what will happen? This referee will submit his report and that report will be taken as conclusive evidence of the matter referred to him and it will depend on the Commissioner whether to allow additional evidence on this very point. But in 99 cases out of 100, the Commissioner may not allow the parties to examine any other medical practitioner, which, however, should not be the case. Medical practitioners, like the experts, differ sometimes very widely in their opinion on any point and that may be a reason, a good reason, to examine another medical practitioner, if necessary. Now, who are the parties? On one side their is the powerful and influential employer and on another side there is the poor workman. And their is another danger. These referees naturally would like to please the employers and they may be biased in some cases and favour the employer.

ant matters will be referred to them and these poor workmen may suffer as a result of the report of a particular referee, if partiality is shown by him.

In that view of the case, I think there must be some provision to guard against that eventuality, so that if there is a good case made out for examination of any other person outside the panel he should be examined.

Rai Sahib JATINDRA MOHAN SEN: Mr. President, Sir, I beg to join in supporting this Bill but I must draw the attention of the Hon'ble Minister and the members of the Select Committee to whom this Bill is going to be referred, to one aspect of the case and it is this. There is a provision in this Bill that the medical report shall be conclusive evidence and there is a further small provision that if the Commissioner so desires, he may allow the parties to adduce further evidence.

My submission to the House is that there should be a further provision that if either of the parties desires, the medical referee himself may be examined by the Commissioner. Before his report can be taken to be conclusive, option should be given to the parties to call for the medical referee, if necessary. In that case, it is my submission, many of the difficulties will be obviated. The medical assessors are going to be dispensed with under this Bill and so if the medical referee is called and if he is asked to explain some of the points which either of the parties might desire to be explained, it will be obviating a good deal of difficulties and trouble and the necessity of calling further evidence in the matter may not arise. This is the point to which I beg to draw the attention of the Hon'ble Minister and the members of the Select Committee.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, I speak from experience of many compensation cases relating to occupational diseases, particularly lead-poisoning in the printing industry. I found in many cases that there was a wrangle between the employers' doctors and the workmen's doctors. The poor workmen cannot afford to pay big fees and naturally they have to seek the medical assistance of cheap doctors and the cheap doctor's evidence is, on many occasions, disparaged. I believe injustice has been done in many cases in the matter of award and I think Dr. Kumud Sankar Ray knows something about this, as he often helped the workers. In many cases such matters had also been referred to him for expert medical advice. The proposed amendment will do away with the difficulty that the workman encounters in getting proper medical testimony regarding occupational diseases and injuries. This Bill, so far as this aspect of the matter is concerned, is quite all right. In the Select Committee, I hope that all the suggestions made by the different speakers can be considered and changes would, if necessary, be made there.

Mr. HUMAYUN KABIR: Mr. President, Sir, I think there will be no objection from any side of the House with regard to the general purposes of this Bill nor to the machinery which is proposed by the Government for remedying the real defect which the Hon'ble Minister has pointed out and which has been further supplemented by my honourable friend Mr. K. C. Roy Chowdhury. Some of the doubts voiced by Mr. Nur Ahmed and my honourable friend Rai Sahib Jatindra Mohan Sen should still be considered. I only want to suggest to the Hon'ble Minister that when the Bill is in the Select Committee, he may consider the further suggestion just now made by my friend Mr. K. C. Roy Chowdhury. There are well-known and established doctors and their testimony or evidence is generally preferred to the evidence of the poor doctors who have been brought in by the labourers or by the poorer section of the people. Who is going to make up the list of the doctors that may be appointed as official referees? It is not stated in the Bill as to what will be the principle on which these doctors will be appointed. I would suggest to the Hon'ble Minster that the employers as well as the employees might be given the option of suggesting to the Government names of registered practitioners. Labour organisations or associations may also in that case send in names of such practitioners. I would request the Hon'ble Minister to consider whether such names cannot be automatically included in the list of official referees. If this is done, the disadvantages of the poor, particularly the employee class, will be remedied to a very large extent.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I thank the honourable members for the support they have given to the principle underlying this Bill. I am afraid Mr. Nur Ahmed's objection is due to a misapprehension. He suggests that the labourers will be put at a disadvantage, because now they can employ any medical practitioner they like but under the Bill their choice will be limited to the panel and they cannot go beyond that panel.

Now, Sir, this Bill merely gives an opportunity to the labourers to choose, and does not force them. This is purely voluntary. If they like the doctor in the panel, if they have got confidence in him, then and then only will they take advantage of the provisions of this Bill. I am not forcing them to have a doctor. If they do not like a doctor in the panel, they need not take advantage of this Bill. They can go to court with their own doctor and fight out in court as before.

Secondly, I do not know whether the doctors would like very much to be told that inasmuch as on the one side we have employers and on the other side we have labourers, their evidence is likely to be in favour of the employer as a general rule. I do not think, Sir, that the doctors are of such pliable calibre that they will not play fair by

the labourers as well as by the employers. In this panel it is proposed to have men of unimpeachable position, integrity and honesty, on whom both sides can rely; and I do not think, it will be difficult for the employers and the labourers to pick on a doctor who has shown or proved himself worthy of their confidence. This is as a matter of fact also a reply to the point raised by Mr. Humayun Kabir who says that if the doctor is recommended by a Labour Union, then that will be of great benefit to the labourers. I do not quite see how this will benefit the labourers, because what we should aim at is to have doctors on whom both the parties can have reliance, and for this the choice in the matter will have to be ultimately left to the Government. I have not the least doubt that in making their choice Government will consult all parties and arrive at a list which will have the largest consensus of opinion; this, however, is a matter which can hardly be prescribed in a Bill. Mr. J. M. Sen has raised the point that the medical referees may be examined in court, if either of the parties applies to the court for their examination. That point is certainly worthy of consideration. After all, reports given by doctors may need considerable elucidation, and, generally speaking, even when an expert is called from one side or the other, his expert report has to be tested by evidence before it can be accepted by a court. Such a provision may probably be made in the Bill but that is a matter really for the Select Committee, and I do not like to commit myself in this respect.

Mr. PRESIDENT: The question before the House is: that the Workmen's Compensation (Bengal Amendment) Bill, 1941, be referred to a Select Committee consisting of—

(1) Mr. Latafat Hossain,
(2) Mr. K. C. Roy Chowdhury,
(3) Khan Bahadur Naziruddin Ahmad,
(4) Khan Sahib Abul Quasem,
(5) Mr. J. B. Ross,
(6) Mr. J. McFarlane,
(7) Mr. Naresh Nath Mookerji,
(8) Mr. Birendra Kishore Roy Chowdhury,
(9) Mr. Lalit Chandra Das,
(10) Raja Bhupendra Narayan Sinha Bahadur, and
(11) the mover,

with instructions to submit their report by the 20th August, 1941, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

(The question was agreed to.)

The Bengal Maternity Benefit (Tea Estates) Bill, 1941.

The Hon'ble Mr. H. S. SUHRAWARDY: I beg to move that the Bengal Maternity Benefit (Tea Estates) Bill, 1941, be referred to a Select Committee consisting of—

(1) Begum Hamida Momin,

(2) Khan Bahadur Mukhlesur Rahman,

(3) Khan Bahadur Rezzaqul Haider Chowdhury,

(4) Khan Bahadur Ataur Rahman,

(5) Mr. J. B. Ross,

(6) Mr. J. McFarlane,

(7) Mr. Sachindra Narayan Sanyal,

(8) Dr. Kumud Sankar Ray,

(9) Rai Brojendra Mohan Maitra Bahadur,

(10) Rai Manmatha Nath Bose Bahadur, and

(11) myself,

with instructions to submit their report by the 25th August, 1941, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

I hope, Sir, that this Bill also will commend itself to the honourable members of this House. We have already placed on the statute book an Act for securing maternity benefits to women employed in the perennial factories. This Bill is meant to secure such benefits to women employed in the plantations. As the conditions of their service are widely different, it has been necessary to introduce a fresh Bill rather than make a provision in the previous Bill for women employed in the plantations. An enquiry into the conditions of service revealed that the majority of plantations were paying maternity benefit in some form or other, but there were unfortunately some who did not undertake the responsibility. The system of benefits has been in accordance with the prevailing custom, and certainly no company should be allowed to obtain an advantage in trade over another by reason of non-fulfilment of an obligation which reasonable employers consider fundamental. The matter was discussed at a conference with representatiives of the majority of the tea plantations, and the provisions contained in this Bill are based mainly on the conclusions reached at that conference. The successful conclusion of all labour welfare legislation and its implementing depend upon the goodwill of the employers in a very large measure and it augurs well for this Bill that its provisions have their concurrence.

Honourable members will notice that the Bill accords maternity benefit not only to women employed in the tea plantations but also in the tea factories, which being seasonal are not affected by the Bengal Maternity Benefit Act of 1939. The present Bill is modelled closely on the previous Act, but different conditions of service have necessitated some changes. The benefit is payable for four weeks immediately preceding and including the date of delivery and four weeks immediately following that date. The payment is made in one of several of the prescribed ways according to the option of the employee. In case of her death, the benefit is paid to her nominee or to her legal representative, and she may not be dismissed during her enforced absence or without sufficient cause within a period of six months before her delivery. There has been some divergence in the rate and in the qualifying period as well as in the nature of the benefits. The normal earning unit in the tea gardens is not the individual but the family, and generally speaking a woman although free to work on any day in the week, actualy does not work for more than two or three days. The Royal Commission suggested that the benefit should take the form of half the woman worker's daily wage with an addition of a bonus of Rs. 5, but this additional bonus is not to be paid to a woman who refuses to avail herself of the skilled services of a woman doctor and a trained midwife, which may have been provided by the employer. I have thought it better to define the payment rather than leave it vague as above, and in view of the present earnings of a woman worker, we have considered that Rs. 12 for these eight weeks at the rate of Rs. 1-8 per week is sufficiently liberal. Further, every employer is required to arrange for the services of a medical practitioner and an approved nurse for the purpose of giving free ante-natal treatment or advice to the women of his factory or plantation. The woman worker shall also for the four weeks imediately preceding the day of her delivery attend regularly and permit herself to be treated in any hospital or clinic approved by the Inspector of Factories. If there is no such hospital or clinic, then she must permit herself to be treated by such medical practitioner or approved nurse as her employer may provide. During this period she will also be permitted to undertake light work, which will supplement her inome. The light work must be of such a nature as she can perform without detriment to her health, and must be sanctioned by the medical practitioner. The income from such light work will be in addition to the above benefit. The woman worker may also, if she wishes, receive a portion of the benefit in kind, provided that such benefit in kind does not exceed more than Rs. 3 in cash value. This has distinct advantages. It ensures that at least part of the benefit shall go to the woman and child and that the benefit will not entirely be expended on the other members of the family. In any event, suh a scheme will have to be approved by Government. The qualifying period is 150 days' service in the year preceding the

day of delivery as against nine months provided for industrial workers. As I have said above, I am glad that I have been able to secure the concurrence of the majority of the employers, and I commend my motion to the acceptance of the House.

Mr. PRESIDENT: Motion moved: that the Bengal Maternity Benefit (Tea Estates) Bill, 1941, be referred to a Select Committee consisting of—

(1) Begum Hamida Momin,
(2) Khan Bahadur Mukhlesur Rahman,
(3) Khan Bahadur Rezzaqul Haider Chowdhury,
(4) Khan Bahadur Ataur Rahman,
(5) Mr. J. B. Ross,
(6) Mr. J. McFarlane,
(7) Mr. Sachindra Narayan Sanyal,
(8) Dr. Kumud Sankar Ray,
(9) Rai Brojendra Mohan Maitra Bahadur,
(10) Rai Manmatha Nath Bose Bahadur, and
(11) the mover,

with instructions to submit their report by the 25th August, 1941, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support the motion. But I have come across certain difficulties in respect of the Bill which I should mention here, so that they may be taken into consideration by the Select Committee. I find that according to clause 6 of the Bill, a woman, in order to qualify herself to obtain maternity benefits, must attend a clinic or a hospital or avail herself of the services of a medical practitioner or nurse—and this is important, "during four weeks immediately preceding the day of her delivery." This provision presupposes that the date of delivery can be predicted with astronomical exactitude and from four weeks previous to that date her course of conduct may be regulated accordingly. This would not have been very important but for certain penalties attached to it. One penalty is provided by the proviso to clause 4—that if she fails in her power of anticipation she loses all the benefits under the Bill. Then, in clause 7, a woman might do and the employer may permit her to do certain "light work" during that fateful period of "four weeks immediately preceding the date of her delivery." Here again, the power of anticipation must be extraordinarily precise in order to perform the duty. Here the penalty is rather more severe. Failure on the part of a woman will be attended with a penalty of Rs. 10 and failure on

the part of an employer, which also includes an occupier, will be attended with a penalty which may extend to Rs. 500. I suppose that this is not what was intended; it was probably an unconscious mistake of draftsmanship. I submit that these things may be taken into consideration in the Select Committee. I should suggest that a critical period or some such standard should be attempted to be defined and the provision should hang round that standard or an approximate date according to medical opinion may be decided upon and the provision should be fixed on to that standard. If this is done, these anomalies will be eliminated. I also suggest that the clauses should be re-arranged in a certain order about which I desire to submit a note to the Select Committee.

With these few words, as the principle of the Bill is unexceptional, and as it is going to confer a considerable amount of benefit, and it is a needed improvement, I support the motion.

Rai Sahib JATINDRA MOHAN SEN: Sir, I support the reference of this Bill to a Select Committee. It has been said by the Hon'ble Minister that this Bill is a result of the conclusions reached at a conference with the representatives of the majority of tea-planters. Now, there cannot be any doubt that this Bill when passed into law will confer great benefits on the women workers in plantations and tea estates.

My honourable friend Khan Bahadur Naziruddin Ahmad has raised a curious question with regard to the point as to the determination of the critical day when a woman is likely to be confined. But if the honourable member refers to clause 8 of the Bill, he will find that if a woman worker wants to have the benefit of the provisions of this Act she will have in the first instance to go to a medical officer for obtaining a certificate as to the time when she is likely to be confined. Now this will give the starting point or the critical day as far as possible with a certain amount of certainty. And the Bill provides that for 28 days prior to that date and 28 days after she will not be required to work. If she desires, she may do little work and for that she will be entitled to full pay.

Now, this will give necessary relief to the women workers but my difficulty is this. I have been long connected with tea gardens and I have often to visit tea gardens. I have personal knowledge about the women workers who work in tea plantation and tea estates. My difficulty is this that these women would be reluctant to go to a medical man or even to a nurse for allowing herself to be examined with regard to the particular date or the time when she is likely to be in confinement. That is because most of the women workers belong to the aboriginal class. So, I am rather apprehensive that this Act would be practically a dead letter but for that reason I would not oppose this Bill. I would

rather like to have it on the Statute Book, because as the days will go on, progress will be made and the women in the tea gardens will by and by realise the necessity of obtaining these benefits and conform themselves to the modern conditions. In that way, a gradual improvement will be made. I am not sure whether under this Bill the proprietors of the gardens will be bound to pay the women workers for the period of 56 days—4 weeks prior to confinement and 4 weeks after the confinement, also their usual daily pay or whether their remuneration will be only Rs. 12, *i.e.*, Rs. 3 in cash and Rs. 8 in kind. I have only hurriedly gone through the Bill, I am not yet satisfied what they will get. (The Hon'ble Mr. H. S. SUHRAWARDY: They will get Rs. 12 only for not working.)

Mr. NUR AHMED: Sir, I whole-heartedly support the motion for reference of this Bill to the Select Committee. Sir, I think this is a very useful and beneficial measure and its provisions will go to the relief of those unfortunate women who are working in tea plantations and factories. Reference has been made to section 6. It has been said that medical examination may cause hardship. But we know that the figures of infant mortality and deaths after child-birth are increasing year by year. So, considering from that point, I think this condition is necessary. These figures are staggering. In view of the high mortality of children and deaths after child-birth, such a provision is necessary. I think the principle which has prompted Government to introduce this Bill is a very noble one, and, if necessary, by force our women should be subjected to undergo medical examination before child-birth. Let us hope that the Bill will prove useful in the case of those women. With these words, I fully support the motion for reference of the Bill to a Select Committee.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I support the Bill but I have only one suggestion to make for being noted by members of the Select Committee and that suggestion is this. From the Bill as it has been drafted, it appears that no provision has been made as to what procedure should be adopted in case of premature delivery. There should be some such provision, so that such cases may also be covered by the provisions of this Bill. With these words, I support the motion.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, it is very difficult for me to solve the sociological and biological problems raised by Khan Bahadur Naziruddin Ahmad and Khan Bahadur Saiyed Muazzamuddin Hosain. I really do not know how doctors anticipate the date of delivery, but somehow or other they manage to do so; and the provision in the Bill, namely, that the maternity benefit should precede the date of delivery by four weeks and also succeed the date of delivery by four weeks seems to have worked well in practice so far as the perennial

factories are concerned, and I do not think they have met with any difficulty in not being able to know when the date of delivery approaches. I shall, however, keep the observations of these two honourable members in mind and I am sure the members of the Select Committee will be very grateful if Khan Bahadur Naziruddin Ahmad will be good enough to place his suggestions before the Committee for its consideration. I thank the honourable members.

Mr. PRESIDENT: The question before the House is: that the Bengal Maternity Benefit (Tea Estates) Bill, 1941, be referred to a Select Committee consisting of:—

(1) Begum Hamida Momin,
(2) Khan Bahadur Mukhlesur Rahman,
(3) Khan Bahadur Rezzaqul Haider Chowdhury,
(4) Khan Bahadur Ataur Rahman,
(5) Mr. J. B. Ross,
(6) Mr. J. McFarlane,
(7) Mr. Sachindra Narayan Sanyal,
(8) Dr. Kumud Sankar Ray,
(9) Rai Brojendra Mohan Maitra Bahadur,
(10) Rai Manmatha Nath Bose Bahadur, and
(11) the mover,

with instructions to submit their report by the 25th August, 1941, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

(The question was agreed to.)

The Eastern Frontier Rifles (Bengal Battalion Amendment) Bill, 1941 (as passed by the Assembly).

The Hon'ble Khwaja Sir NAZIMUDDIN: I beg to move that the Eastern Frontier Rifles (Bengal Battalion Amendment) Bill, 1941, be taken into consideration.

Sir, I do not want to take much time of the members of this House. It is a non-contentious Bill and it has been found necessary to introduce this short amendment in the recruitment rules, so that we can have the services of the men for at least seven years. Government have spent and do spend a large amount of money in training them and if they leave immediately after three years, then all that money will be lost to us. This will apply only to the new recruits, however, and the men who are at present in the service will not be affected by this Bill.

Mr. PRESIDENT: Motion moved: that the Eastern Frontier Rifles (Bengal Battalion Amendment) Bill, 1941, be taken into consideration.

The question before the House is: that the Eastern Frontier Rifles (Bengal Battalion Amendment) Bill, 1941, be taken into consideration.

(The motion was agreed to.)

Clauses 1 and 2.

Mr. PRESIDENT: Clauses 1 and 2 stand part of the Bill.

The question before the House is: that clauses 1 and 2 stand part of the Bill.

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House is: that the Title and Preamble be added to the Bill.

(The motion was agreed to.)

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that the Bill, as settled in the Council, be passed.

Mr. PRESIDENT: The question before the House is: that the Bill, as settled in the Council, be passed.

(The motion was agreed to.)

The Bengal Touts Bill, 1941.

Mr. PRESIDENT: We shall now take up the Bengal Touts Bill.

Clause 1.

Mr. PRESIDENT: Clause 1 stand part of the Bill.

Mr. NUR AHMED: I beg to move that in clause 1 of the Bill, for the figures "1940" in line 2, the figures "1941" be substituted.

Sir, this is a necessary amendment and it should be adopted.

Mr. PRESIDENT: The question before the House is: that in clause 1 of the Bill, for the figures "1940" in line 2, the figures "1941" be substituted.

(The amendment was agreed to.)

Mr. PRESIDENT: The question befoe the House is: that clause 1, as amended, stand part of the Bill.

(The motion was agreed to.)

Clauses 2, 3, 4, 5 and 6.

Mr. PRESIDENT: The question before the House is: that clauses 2, 3, 4, 5 and 6 stand part of the Bill.

(The motion was agreed to.)

Clause 7.

Mr. PRESIDENT: Clause 7 stand part of the Bill.

The question before the House is: that clause 7 stand part of the Bill.

(The motion was agreed to.)

Clause 8.

Mr. PRESIDENT: Clause 8 stand part of the Bill.

The question before the House is: that clause 8 stand part of the Bill.

(The motion was agreed to.)

Clause 9.

Mr. PRESIDENT: Clause 9 stand part of the Bill.

Rai MANMATHA NATH BOSE Bahadur: I beg to move that in clause 9 of the Bill, after sub-section (*1*) of the proposed section 80G, the following proviso be added, namely:—

"Provided that the provisions of this sub-section shall not apply to *bonâ fide* servants of the parties to the document or registered clerks of Pleaders, Advocates and Mukhtears who write the document".

Sir, my submission is this: so far as this point is concerned, attempt has been made to rope in all classes of writers of documents under this clause. It is known that in the mofussil *bonâ fide* servants of the parties do often write these documents and sometimes pleaders draft conveyances or other documents and their registered clerks also write these documents. My submission is that inasmuch as they are not professional writers of deed, they may be exempted from operation of the Act. There is another fact for consideration. I know that in Calcutta in attorney's offices documents are written and typed. They also ought to be put in here. With these words, I commend my motion to the acceptance of the House.

Mr. PRESIDENT: Motion moved: that in clause 9 of the Bill, after sub-section (*1*) of the proposed section 80G, the following proviso be added, namely:—

"Provided that the provisions of this sub-section shall not apply to *bonâ fide* servants of the parties to the document or registered clerks of Pleaders, Advocates and Mukhtears who write the document".

The Hon'ble Nawab MUSHARRUFF HOSAIN, Khan Bahadur: My friend Rai Bahadur Manmatha Nath Bose is under a misapprehension. He seems to think that we are actually intending to rope in the *bonâ fide* servants of the parties to the document or the registered clerks of Pleaders, Advocates and Muktears who write the document. This Bill is not directed towards those who write one or two documents outside the precincts, outside the limits of the registration offices. If the Bill is read carefully, my friend will be convinced that these clerks and other persons are not included in the scope of this Bill. We have confined the Bill only to one class of people not to all those people whom he says we are bringing in. We have sought to restrain the movements of touts only and we do not propose to restrain others. If we now make a provision like this, then we will have to think of many others whom we may have to exclude. So, I do not believe a proviso like that will improve the Bill in any way.

I hope in view of what I have said he will withdraw his amendment; otherwise I shall oppose it.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I also rise to oppose the amendment on the ground that it would not be necessary, though it must not be supposed I do not agree with the principle of the amendment. The clause strikes at those who "write" documents, *i.e.*, it means normally those who are professional deed-writers and then again there is the qualifying expression "outside the precincts of registration offices". This does not, I presume, include places at a distance from the vicinity of the offices. The context would show that those professional deed-writers who are in the neighbourhood of registration offices or within a definite distance of those offices, are going to be roped in or they are to take out licences. Then again, under the previous sub-section (*2*), the Government has to approve the rules and these rules will be published in the official gazette as it is the declared intention of the Government not to rope in the ordinary *bonâ fide* deed-writers whom we know very well in villages, but those professional touts who are well known but who would be difficult to define and who have been eluding all our attempts in the past.

In view of all this, in view of the declared policy of the Government, I do not think the amendment is needed.

With regard to the exceptions regarding clerks of pleaders and advocates, I think this provision falls within the Legal Practitioners Act. That has been also dealt with and the Legal Practitioners Act clearly defines who are the clerks of pleaders, lawyers and advocates. Sir, the whole difficulty lies with the so-called clerks of pleaders and advocates. There are touts who pose as clerks of pleaders and advocates and it has been found extremely difficult to define *bonâ fide* clerks and this definition has been always eluded by these crafty people.

So if we introduce here this ambiguous expression "clerks of pleaders" without defining the condition under which clerks are selected, it will introduce a loop-hole. I think honest clerks and pleaders have been sufficiently described and safeguarded under the Legal Practitioners Act. In this view of the matter, I submit that these safeguards will not be necessary and I therefore oppose the amendment.

Mr. PRESIDENT: The question before the House is: that in clause 9 of the Bill, after sub-section (*1*) of the proposed section 80G, the following proviso be added, namely:—

"Provided that the provisions of this sub-section shall not apply to *bonâ fide* servants of the parties to the document or registered clerks of Pleaders, Advocates and Mukhtears who write the document".

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is: that clause 9 stand part of the Bill.

(The motion was agreed to.)

Clauses 10, 11 and 12.

Mr. PRESIDENT: The question before the House is: that clauses 10, 11 and 12 stand part of the Bill.

(The motion was agreed to.)

Clause 13.

Mr. PRESIDENT: Clause 13 stand part of the Bill.

Rai MANMATHA NATH BOSE Bahadur: Sir, I beg to move that in clause 13 of the Bill, after sub-clause (*b*) of the proposed clause (*9a*), the following be added, namely:—

"or

(*c*) as a witness to a party in a suit or proceeding before such bench or court,".

Sir, what I mean is this. As a matter of fact, section 16 of the Bengal Agricultural Debtors Act lays down that the bench or court has

power to summon witnesses and to follow the procedure laid down in the Civil Procedure Code. So, a tout may come as a witness, if there is no exception. In order to meet that difficulty, I have suggested this amendment.

Mr. PRESIDENT: Amendment moved: that in clause 13 of the Bill after sub-clause (*b*) of the proposed clause (*9a*), the following be added, namely:—

"or

(*c*) as a witness to a party in a suit or proceeding before such bench or court,".

The Hon'ble Nawab MUSHARRUFF HOSAIN, Khan Bahadur: Sir, I do not think this amendment is necessary.

Mr. PRESIDENT: The question before the House is: that in clause 13 of the Bill after sub-clause (*b*) of the proposed clause (*9a*), the following be added, namely:—

"or

(*c*) as a witness to a party in a suit or proceeding before such bench or court,".

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is: that clause 13 stand part of the Bill.

(The motion was agreed to.)

Clauses 14, 15, 16 and 17.

Mr. PRESIDENT: The question before the House is: that clauses 14, 15, 16 and 17 stand part of the Bill.

(The motion was agreed to.)

Clauses 18 and 19.

Mr. PRESIDENT: The question before the House is: that clauses 18 and 19 stand part of the Bill.

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House is: that Title and Preamble be added to the Bill.

(The motion was agreed to.)

The Hon'ble Nawab MUSHARRUFF HOSAIN, Khan Bahadur: Sir, I beg to move that the Bill, as settled in the Council, be passed.

Mr. PRESIDENT: Motion moved: that the Bill, as settled in the Council, be passed.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support the motion. The question of touts has troubled many astute minds so long but these people are clever and elusive and they have been plying their nefarious trade so long. But I hope that this Bill will tackle them in a proper spirit and give a quietus to their activities. Much, however, depends on the rule-making powers of the various departmental authorities and the revisional power over these rules to be exercised by Government; the working of this Act will depend more upon executive action than upon legal action by the parties. If Government gives sufficient drive behind this Bill, then I think that many guilty persons will be roped in and be eliminated from the courts and I think that our courts and the offices will be all the purer and the better for that. With these words, I support the third reading of the Bill.

Mr. PRESIDENT: The question before the House is: that the Bengal Touts Bill, 1941, as settled in the Council, be passed.

(The motion was agreed to.)

Mr. PRESIDENT: As there is no other business before the House to-day, I adjourn the Council till 2-15 p.m. on Friday, the 15th August, 1941.

Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 15th August, 1941.

Members absent.

The following members were absent from the meeting held on the 12th August, 1941 :—

(1) Mr. Kader Baksh.
(2) Mr. Shrish Chandra Chakraverti.
(3) Mr. Hamidul Huq Chowdhury.
(4) Khan Bahadur Rezzaqul Haider Chowdhury.
(5) Mrs. K. D'Rozario.
(6) Mr. Kamini Kumar Dutta.
(7) Khan Bahadur Alhadj Khwaja Muhammad Esmail.
(8) Mr. Kanai Lal Goswami.
(9) Mr. Mohamed Hossain.
(10) Khan Bahadur Syed Muhammad Ghaziul Huq.
(11) Maulana Muhammad Akram Khan.
(12) Mr. W. B. G. Laidlaw.
(13) Sir T. Lamb.
(14) Mr. Naresh Nath Mookerjee.
(15) Dr. Radha Kumud Mookerji.
(16) Mr. Ranajit Pal Chowdhury.
(17) Khan Bahadur Mukhlesur Rahman.
(18) Mr. Sachindra Narayan Sanyal.
(19) Mr. W. F. Scott-Kerr.

B. G. Press—1941-42—7025A—750.

Second Session—No. 11.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, on Friday, the 15th August, 1941, at 2-15 p.m., being the eleventh day of the Second Session, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was on the Chair.

Obituary Reference.

Mr. PRESIDENT: Honourable members of the Council, before the Order Paper of the day is taken up, I have to convey to the House the sad news of the demise, after a brief illness, of Lord Willingdon, who had relinquished office as the Viceroy of India in August, 1936.

A man of versatile talents, Lord Willingdon began his parliamentary career as a Commoner and by dint of brilliant achievements in the service of his King and the Empire enjoyed the unique distinction of being elevated to the rank of a Marquess. The services of very few men in the British public life were requisitioned to fill up so many Empire posts of responsibility and honour, almost without interruption. Lord Willingdon's Viceroyalty of India synchronised with a political upheaval which convulsed a large part of India. The steps taken by him to deal with that disturbed political situation had, no doubt, evoked a good deal of criticism in this country, but Lord Willingdon gave proof of his Liberal outlook by announcing in his first political speech at the Chelmsford Club's Dinner organised in his honour at Simla that he wished to be India's first Constitutional Governor-General before his term of office ended. In November, 1940, he was deputed to South America as the head of an important economic mission to explain to Latin America Britain's war-time policy.

The death of such a briliant public servant will be mourned all over the Empire.

I would request the honourable members to rise in their places as a mark of respect to the memory of the illustrious deceased.

(Honourable members rose in their seats.)

It will now be the duty of the Chair to convey a message of condolences to Lady Willingdon in her great bereavement.

QUESTIONS AND ANSWERS

Employees of the Asansol Mines Board of Health.

33. Rai Sahib JOGENDRA NATH ROY: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state if the Government received any communication from the Asansol Mines Board of Health seeking for power to frame rules for pension and for creation of a provident fund or annuity fund out of the Board's fund for its employees?

(*b*) If so, what are the dates of the communications and subsequent reminders, if any?

(*c*) What steps, if any, do the Government propose to take in the matter?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) Yes, a proposal was received through the Commissioner of the Burdwan Division for the framing of rules for the creation of a Provident Fund only.

(*b*) 8th March, 1941, and 24th May, 1941.

(*c*) The proposal cannot be sanctioned by Government without an amendment of the Bengal Mining Settlements Act, 1912. A thorough amendment of the Act is under the consideration of Government.

Rai Sahib JOGENDRA NATH ROY: Will the Hon'ble Minister be pleased to state when the amendment in question is likely to be before the Legislature?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, I cannot give the exact date.

Rural water-supply scheme.

36. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN (on behalf of Khan Bahadur Rezzaqul Haider Chowdhury): (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether the Government have got any scheme for rural water-supply? If so, will the Government please place the same on the Table?

(*b*) Will the Hon'ble Minister be pleased to state whether the Government asked the different public bodies to submit their schemes for the local rural water-supply?

(c) How many District Boards have so far submitted their schemes and what action have Government taken on the same?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (a) Yes. A copy of the memorandum on the scheme which has been tentatively approved by Government, subject to examination of details by the Finance Department, is placed in the Library.

(b) Yes. The District Boards were asked to submit their schemes according to certain instructions. A copy of the circular is placed in the Library.

(c) Practically all the districts have submitted their schemes which have been verified and amended, reduced or enlarged, in the department of the Chief Engineer of the Public Health Department.

Outbreak of malaria in the district of Midnapore.

37. Rai Bahadur MANMATHA NATH BOSE: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(a) whether it is a fact that the district of Midnapore, specially the Sadar, Ghatal and Tamluk subdivisions, suffers from an outbreak of malaria (sometimes of a virulent type) during the months, *Sravan* to *Aghrayan*, every year;

(b) what steps have been or are being taken to combat the disease and by whom, and what is the result;

(c) whether any assistance has been rendered by the Government to the local bodies in fighting the menace and to stop the recurrence and progress of the disease in the stricken areas; if so, what is the nature of that assistance;

(d) whether the incidence of the disease has been checked to any extent;

(e) the percentage of the mortality in cases of malarial attacks in each subdivision of the district in the years 1937 to 1940;

(f) whether Palli Mangal Samitis have been started in the district of Midnapore; if so, what are the villages in each subdivision in which such Samitis have been started; whether these Samitis have been able to alleviate the rigour of the disease and in what way; and

(g) whether any enquiry was made into the causes of malaria in each subdivision of the district of Midnapore; if so, when and what was the report; whether any remedy was suggested?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) to (*d*) The following three statements, which will speak for themselves, are placed in the Library:—

(*i*) statement showing the malaria admission figures for each subdivision of the district of Midnapore, month by month, for the years 1937 to 1940;

(*ii*) statement showing the allotments sanctioned by Government to the District Board, Civil Surgeon and the District Magistrate of Midnapore for free distribution of quinine during the years 1938-39 to 1940-41; and

(*iii*) statement showing the special help rendered to the district of Midnapore by deputing medical licentiates to carry out anti-malaria work or granting supply of quinine drugs or money for quinine for the years 1938-39 to 1940-41.

With regard to clause (*c*), I should like to further explain that comprehensive anti-malaria schemes for the Ghatal and Daspur thanas were prepared in 1937. But being mostly engineering projects, these schemes were referred to Irrigation Department for opinion. The Irrigation Department advised that contour survey was necessary, but this was not accepted by this Department. The District Board was subsequently requested to carry out certain inquiries from the local people as advised by the Malaria Engineer.

A comprehensive anti-malaria scheme for Contai subdivision is also under consideration of the Public Health Department. The Malaria Engineer and the Assistant Director of Public Health, Malaria Research, held a joint inspection of the area during the current year and the District Board has been advised to modify the scheme as suggested by the Malaria Engineer.

Two more comprehensive anti-malaria schemes for the district are also under contemplation.

(*e*) and (*f*) Steps have been taken to collect the information which is not yet ready.

(*g*) Malaria investigations were carried out in isolated localities in the district, e.g., the Chandrakona municipality was surveyed and a Government grant of Rs.600 was sanctioned for anti-malaria campaign within the municipal area during 1940-41.

Another comprehensive survey of 31 villages under the Egra thana in the Contai subdivision and 31 other villages within police-station Chandrakona in the Ghatal subdivision, was carried out by the Public Health Department during 1937-39. The findings are being statistically analysed and will be printed and published shortly.

Rai MANMATHA NATH BOSE Bahadur: May I enquire, Sir, if I can get the statements referred to in the answer and also the information referred to in answers (*e*) and (*f*), when collected?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: If the honourable member so desires, it will be given to him when it is collected.

Establishment of industries to supply war materials.

43. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state what efforts, if any, have been made by Government to take advantage of the war situation and to establish industries for supply of war materials, motor industries, industries for the construction of armoured vehicles and aeroplanes, and even necessary chemical substances etc., and to put them on permanent basis?

(*b*) Will the Hon'ble Minister be pleased to state what steps have been taken by the Government to encourage private enterprises in that direction?

MINISTER in charge of the ACRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): The Department of Industries have already secured large orders for supply of materials for the defence services. Still larger orders are expected in the near future. This opportunity is being utilised to improve and develop the cottage industries of the province. It is left to private enterprise to start new industries, but the Department of Industries render assistance and give guidance, whenever sought for.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether any step was taken by the Government to encourage private enterprise by taking advantage of the war situation?

The Hon'ble Mr. TAMIZUDDIN KHAN: Government has secured very large orders, as I have stated in the answer, and that has given an impetus to private enterprise.

Mr. LALIT CHANDRA DAS: Is the Government aware what sort of private enterprise has been given impetus to?

The Hon'ble Mr. TAMIZUDDIN KHAN: Orders worth two and a half lakhs of rupees have been secured for blankets and orders worth Rs. 8 lakhs have been secured for camouflaged nets. Negotiations are going on for supplying other materials also.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Will the Hon'ble Minister be pleased to state if the department have procured wool from the up-country and Kalimpong? Is not hemp also necessary for making these camouflaged nets?

The Hon'ble Mr. TAMIZUDDIN KHAN: It is a question of procedure. The orders are there. Now it is the private parties who are taking up the contracts for supplying the materials from various parts of the country.

Khan Bahadur ATAUR RAHMAN: Are the articles made under the supervision of the Director of Industries or they are prepared by the merchants from whom the Director purchases?

The Hon'ble Mr. TAMIZUDDIN KHAN: The Director supervises them.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether Government has made any attempt to encourage private enterprises—to start motor industries or mechanised armoured cars, etc.?

The Hon'ble Mr. TAMIZUDDIN KHAN: If any private party comes forward, Government will give every help and encouragement.

Mr. LALIT CHANDRA DAS: Whether Government made any attempt in the direction of helping private parties to start such industries?

The Hon'ble Mr. TAMIZUDDIN KHAN: It is not the present policy of Government to start state-financed industries; but if any private party comes forward, Government will be very willing to give every help possible.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will not the Government kindly consider the question of starting State-financed industries for the purpose of helping the industries of the province?

The Hon'ble Mr. TAMIZUDDIN KHAN: I think this question came up in the course of a resolution moved and discussed on the floor of this House. The matter has been referred to the Industrial Survey Committee and as soon as the report is received, Government will consider what steps they will take.

Dr. RADHA KUMUD MOOKERJI: Is the Hon'ble Minister aware that the United Provinces Government has captured orders exceeding in value several crores of rupees and so will he not try to see whether more of the big orders could be secured for the province of Bengal?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, every attempt will be made to secure more orders.

Jute cultivation in Chittagong.

44. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state if it is a fact that there is no jute cultivation in Chittagong?

(*b*) Are the Government aware that the people grow only small quantities of jute for domestic use in Chittagong?

(*c*) Is it a fact that Chittagong has been declared to be a notified area under the Bengal Jute Regulation Act?

(*d*) Is it a fact that a large number of cultivators who grew jute for domestic use on small plots of land have been hauled up before the Court and fined for not taking licence under the provisions of the Bengal Jute Regulation Act and the rules made thereunder?

(*e*) Are the Government aware that there is a great disaffection in Chittagong owing to such activities of the Jute Regulation Officer?

(*f*) If so, what steps have the Government taken to give relief to the poor people of Chittagong?

(*g*) Do the Government propose to exempt the district of Chittagong from the operation of the Bengal Jute Regulation Act? If not, why not?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) It is not a fact. Jute is grown in Chittagong, though on a small area compared to the total area of the district.

(*b*), (*e*) and (*g*) No.

(*c*) Yes.

(*d*) No. Only one case of prosecution under the Jute Regulation Act is reported from this district.

(*f*) Does not arise.

Non-official Business.

Mr. PRESIDENT: The House will now consider non-official motions under rule 112 of the Bengal Legislative Council Procedure Rules.

Mr. NUR AHMED: Sir, I beg to move that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council with a request to represent to the Government of India the considered views of this Council that the various terms of the Indo-Burma Immigration Agreement, such as the literacy test, the payment of high entrance and residential fees and registration of Indians, are highly objectionable and discriminatory and to request the Central Government to take necessary steps for their modification before the Agreement is ratified.

Sir, in moving this resolution I have to make an appeal to the honourable members of this House. This is a resolution which deals with the inter-relation of two autonomous provinces of the British Empire. I do not use the word "Commonwealth", because the very subject-matter of the resolution will show how the members of one autonomous province are being treated in another part of the Empire. This is a most delicate matter and I, therefore, appeal to the honourable members to speak with considerable restraint, so that feelings already excited may not be further aggravated. Sir, Burma was once part and parcel of India, a limb so to speak. We lived practically together and Indian men and Indian money had contributed largely to the development of Burma. Sir, to what is the present position of Burma due to-day? Her progress, her prosperity and her development, every improvement in fact that has been effected in Burma, is due to a large extent to Indian capital and Indian industry. There was a time, Sir, when Indian labour, Indian workers were induced to immigrate into Burma. As long ago as 1869 when there was a very great demand in the Western countries for Burma rice, there was a demand for bringing more and more land in Lower Burma under cultivation. In 1872, the price of Burma rice suddenly rose from rupees fifty per 100 baskets to rupees one hundred and thus an impetus was given to Labour to immigrate from Upper Burma to Lower Burma. But the immigrants from Upper Burma proved unsuccessful in cultivating the land of Lower Burma. So, Indians with experience of agricultural business had to be attracted by grants of land to settle permanently and establish zemindaries in Burma. When that too did not succeed, Indian labour was induced to go over to that country and bring the vast lands in Lower Burma under cultivation. That was in 1872 and the position has been the same from 1872 onwards. And what has been the result? Whereas in 1872 only ten lakhs of acres in Lower Burma were under cultivation, as a result of Indian labour and

Indian skilled work, cultivation of the land of Lower Burma within twenty years has been increased to one crore of acres. That has been due, Sir, mainly to Indian skill and enterprise in Burma. And after that even shipping companies were given subsidies to bring over large numbers of Indian immigrants into Burma. That is how, Sir, the story of Indian immigration into Burma began. So, the relation between India and Burma has a long history and Burma being associated with its industrial and other development was a part of India till only the other day, so to say.

But Imperial interests demanded that Burma should be separated. At that time there was a widespread agitation in India against the separation of Burma and a large section of the Burmese also did not like the idea of separation. But it was in Imperial interest that Burma should be separated. Accordingly, agitation was got up in 1916 in Burma and it went on till Burma was separated as a result of the Government of India Act, 1935. At that time it was apprehended that Indian interest would be prejudiced and Indians would be treated as foreigners in that land and the evil which was apprehended at that time has now become a reality.

Sir, we have seen how Burma has prospered with the help of Indian labour and how through Indian capital her industries also grew. But shortly after separation was effected, the cry was raised that the Burmese would be ousted from Burma and that they would be driven away gradually by the Indians. The census of 1921 showed that the Indian population in Burma was only 7½ per cent. and according to the census of 1931 the total Indian population in Burma was 10 lakhs, out of which 6 lakhs were born and brought up in Burma, the rest being composed of emigrants from India. According to the latest census, their number has, however, increased to 14 lakhs. Sir, the agitation was fostered by the misguided Press and interested people which led to the riots in 1930 and 1938. Recently also, the feelings between the Burmese and Indians became very bitter. Then, Sir, the Braund Commission was appointed to enquire into the causes of the disturbances and they were unanimous in their finding that there was no substance in the cry that Indians were ousting the Burmese in every walk of life. The finding of the Committee was that Indian labour was complementary to Burmese labour and that with the exception of Rangoon and other big towns Indian population in other districts is very meagre: Indian population is 7½ per cent.: the percentage of Indians working in the field of cultivation is only 4: in industries 16 per cent.: in trade 17 per cent.: only in transport it is a little higher—46 per cent. The Committee thought that the cause of the agitation against Indians was that in Rangoon Indian population comprised 55 per cent. Moreover, all the bazars in Rangoon and other big towns belong to Indians, so that

Rangoon city looked more like an Indian city rather than a Burmese city. Such is the fact of the case and this is the cause of the ill-feeling which existed in Burma and that is the root cause of this unrest and agitation.

Then, Sir, another Committee was appointed. It was the Baxter Committee. It has submitted a report wherein it has also arrived at a similar conclusion, namely, that infiltration by Indians into Burma is an erroneous idea which is so deeply rooted in the minds of the Burmans that no amount of propaganda will remove that impression from their minds. So, they have made some suggestions. As a result of the recommendation of the Baxter Committee, the Indo-Burma Emigration Agreement has been concluded.

Sir, my objection against that Agreement is that Indians have not been properly treated as an equal partner of the so-called British Commonwealth. Sir, what do we find? We find that the apprehension which was expressed by that Committee has come to be true. The Braund Commission also apprehended that Indians might be treated as other foreigners living in a far distant country and suggested that no restrictions should be imposed on them in such a way as was placed by the Union of South Africa and the United States, as the circumstances were not similar. But anyhow that apprehension has come to be true. What do we find in the terms of the draft Agreement? They are very harsh, objectionable and humiliating from the Indian point of view. Sir, the terms of the present Agreement no doubt include some of the suggestions which are to be found in the reports of the Braund Commission and Baxter Committee but the spirit underlying them is not similar. There is a very important point, Sir. We find that as far as Indians who are already there up to the 15th of July, 1941, are concerned, they will be treated on the same footing as the Burmans but, if they leave Burma for some time and come to India and again want to enter Burma, this new condition will apply to them also. Sir, as regards new entry, there are the conditions which are very humiliating, namely, that any Indian going for travel or for other purposes must have a passport and must pay fees and conditions with regard to those Indians who will go for residence, for trade or for other purposes, say employment are still more humiliating. They will have to pay Rs. 500 as fees for the pass and then a fee of Rs. 20 a year to get their residence registered. There are other conditions also, one of which is that the Burma Government may test their literacy.

There are two kinds of permits—Permit A and Permit B. Those who will go for residence, trade and employment will have to apply for A permit and those who will go for a short period will have to apply for B permit, duration of these permits will be 3 years only. People getting B permits will have to pay Rs. 40 as fee and a

residential fee of Rs. 20 every year and though there is a condition that the period of this permit may be extended up to nine years, there are other conditions which are very humiliating.

Then as regards the unskilled labourers. There is a condition that their number will be fixed by Government and without Government of India's permission they will be unable to go to Burma. Sir, these unskilled labourers who have made Burma what it is to-day will have to pay a fee of Rs. 12 for visa and an additional fee of Rs. 5 a year. They are poor men and these people go to Burma for some time, for certain season and then come back after that. Large numbers of people go there. Oriyas and people from Chittagong go there for cultivation and also for plying small boats. There are large tracts of lands lying uncultivated in Burma for which Indian labour is required. Now, there is apprehension, Sir, that if Indian labour is stopped the Burmese labourers may claim higher wages. The result will be that Indians who have made Burma their own land by adoption and who have made properties in Burma will be put to great hardship. These are the conditions imposed in the Agreement and there are other conditions which are also not very much favourable to Indians.

It appears, Sir, that there was bungling somewhere in arriving at this Agreement. Indians through Press and from every platform have protested vehemently against this Agreement. They sent official and non-official delegations to the Government of India, but the latter did not listen to them. When there was a talk that Sir Girija Shankar Bajpai would go with an official delegation, it was thought that they would go to Burma and settle the matter satisfactorily. But one fine morning we found that he had concluded the Agreement practically without consulting the opinion of the people of India and without consulting any Provincial Government. So, there was India-wide agitation against this Agreement.

Madras and other provinces of India also have expressed dissatisfaction with the terms of the Agreement. We also find that important bodies such as the Indian Chambers of Commerce, Calcutta, the Chettiars' Association, the Indian Chambers of Commerce in Southern Burma, the Marwari Chambers of Commerce and other important bodies have all raised vehement protests and objections against the terms of this Agreement. They have sent memorials and also sent a delegation to the Government of India to have some of these terms modified before this Agreement is ratified. And only this morning a powerful Indian delegation from Burma is visiting India and seeing important leaders of India in order to have these terms modified to some extent. I do not like to lengthen my speech on a matter which is so very delicate and should be discussed in a calm and peaceful atmosphere. But one cannot but strongly resent the fact that Indians who form by far the largest number of people on the face of this earth and who according to the

latest census number more than 400 crores should be treated in this way in every land, even within the British Empire. They have got no status or prestige or dignity, no position in any corner of the British Empire. Sir, I find from to-day's list of the business of this House that our esteemed colleague, Rai Bahadur Keshab Chandra Banerjee, has tabled a resolution urging the immediate conferment of Dominion Status on India; but, Sir, I would ask him to remember what our present position in India is. We are of no account even in our own land. The Central Government has not looked to the interest of Indians and has hurriedly entered into an Agreement with Burma whose terms are discriminating as well as humiliating from the Indian point of view.

With these few words, I appeal to the House to be good enough to accept my motion.

Mr. PRESIDENT: Motion moved: that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council with a request to represent to the Government of India the considered views of this Council that the various terms of the Indo-Burma Immigration Agreement, such as the literacy test, the payment of high entrance and residential fees, and registration of Indians, are highly objectionable and discriminatory and to request the Central Government to take necessary steps for their modification before the Agreement is ratified.

Mr. W. B. C. LAIDLAW: Sir, nobody can challenge the right of the Government of Burma to introduce immigration legislation for the protection and benefit of their own people. She is perfectly entitled to do so. Every one knows that there was an Indo-Burma problem and that Burma is now anxious to regulate the unnecessary immigration of Indians into Burma both for trade and labour purposes. There was, therefore, no surprise that immigration regulations were to be introduced after consultation with the Government of India. But the terms of the motion which this House is asked to adopt are open to considerable question.

First, is this legislation discriminatory? To my mind this point does not arise as this is purely an Indo-Burma question and the legislation is introduced to deal with this specific difficulty. The question is: how generous or how harsh the restrictions should be and whether in this case there has been undue harshness. Secondly, are the provisions of the Agreement objectionable? Sir, in these days we have all to put up with regulations involving more or less irksome duties and I do not think that the requirements of the Agreement can even be regarded as objectionable. I think that the introduction of passports with photographs was objected to at first but nowadays no traveller in foreign parts can go without one and I have never heard a word of protest about the fact that a passport has to bear a photograph, a

duplicate photograph is entered in the records of the issuing State and the most intimate particulars of the holder are also recorded. There is, however, a more immediate matter in connection with this Agreement which I think ought to be recorded and that is the fact that nobody in India seems to have realised that when the Bajpai Commission was sent to Rangoon, it was apparently given the power to initial a most important Agreement without any opportunity being given to the public in India to discuss the question. Even more unintelligible is the action of Government in publishing the report and the terms of the Agreement late in July and on the same day issuing a notification published in the Gazette of the 21st July to the end that with effect from August 1 all persons would be prohibited from leaving British India for Burma by sea for the purpose of unskilled work. The result of this peremptory order has been hardship on labourers who have in all good faith made their way to the ports, at what to them is considerable expense, only to find on arrival that they would not be allowed to leave this country.

Furthermore, Sir, not only did Government give the public no indication beforehand that this prohibition would shortly be coming into force, but no official arrangements whatever seem to have been made to determine who was and who was not an unskilled worker. It was actually left to the public to do the best they could to carry out the terms of the order; but it will be realised that a large number of intending passengers had to be advised not to embark rather than run the risk of travelling to Burma and there finding themselves refused permission to land and thus put to the expense of a return trip to India. I believe that in Calcutta on August 1 none of the authorities who ordinarily handle emigration matters had any instructions whatever and that at Vizagapatam hundreds of labourers who had proceeded there from the districts were prevented from embarking.

Although we on this side cannot support the motion, we should like it to be put on record and conveyed to the Central Government that the country is entitled to be consulted in matters of such far-reaching importance before authority is given to anybody of Government officials to initial Agreements of this nature. Further that when orders are issued, administrative provision should be made for carrying them out. We should also like the opportunity even at this late date to discuss this particular Agreement and to hear Government's own views as to the necessity for agreeing to the various provisions which have led to such vehement protest from the general public.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, I congratulate my friend, Mr. Nur Ahmed, on bringing forward this resolution which, besides being timely, has furnished an opportunity for a free and frank discussion of the terms of the Agreement, which are considered objectionable and discriminatory in character.

It passes my comprehension as to how the official representatives of the Government of India who visited Burma in this connection could be signatories to a document, the terms of which are so very insulting to India's self-respect. Sir, it was about four years ago that India was separated from Burma and I fail to understand what has happened in the meantime to justify the imposition of so many restrictions which along with the rest of India will put Bengal in a position of great disadvantage and financial loss. It is well-known that a large number of Bengalees have settled there. They have invested their hard-earned money in land and in business and have been carrying on other avocations for years. Some of them have served and have still been serving the Government of Burma and a large number of them have settled there on retirement from service. To put a ban on such settlers and on others who may happen to go to Burma for business purposes in future is to do a great injustice to them. This reveals a mentality which cannot be justified on any ground. Sir, as has been rightly pointed out by the honourable mover, Burma forgets that she owes her present advancement, political and economic, to India of which until recently she formed an integral part. She forgets—and public memory is too short—that her debts to India still remain unredeemed. The cost of the Burma War and India's immense sacrifices in her cause are matters which seem to have been lost in oblivion. Sir, it aches my heart when I rehearse within myself the many instances of Burma's unfriendly attitude towards India. The notorious Burma riots in which the Bengalees were the worst sufferers are still fresh in our memory. All these reveal a state of mind which is not complimentary to a progressive country which has been provided with a separate Constitution to work out its salvation. Sir, in this connection I would like to refer the House to some of the more important points arising out of this question.

It appears that in the two reports issued at the end of 1938 and early in 1939 the Riots Enquiry Committee under the Chairmanship of the Hon'ble Mr. Justice Braund drew particular attention to the existence of a serious apprehension in the minds of many Burmans that Indian emigration was largely responsible for unemployment or underemployment among the indigenous population of Burma. The Committee recommended that in the interests of both countries some public examination of the grounds for the existing apprehension in the minds of the Burmans should be undertaken urgently. Accordingly, the Government of Burma in a resolution, dated the 15th July, 1939, after consultation with the Government of India, appointed the Hon'ble Mr. Justice Baxter to examine the question of Indian emigration into Burma with the assistance of two assessors. Mr. Baxter presented his report to the Government of Burma in October, 1940. His recommendations were carefully examined by both Governments and it was agreed, without commitment on either side, that these recommendations formed

a suitable basis for negotiation. The Government of Burma, therefore, invited the Government of India to send a delegation to Burma and the invitation was gladly accepted. As a result of the conversations the two Governments have agreed upon certain measures which in their view are calculated both to remove from Burman minds any reasonable apprehension that Burma may be subjected to undue economic competition by reason of Indian emigration and at the same time to secure for the Indian community settled and resident in Burma recognition of their legitimate rights.

If we examine the terms of the Indo-Burma Immigration Agreement we find that India has been placed in a position which is worse than that of the other countries with which her relations have never been so intimate. It is regretted that the Government of India should have taken steps to implement some portion of the Agreement with effect from the 21st July last before its ratification by the Central Legislature. It is undoubtedly an extraordinary procedure which has perhaps no parallel in history. The famous Ottawa Pact which was of greater importance than the Indo-Burma Immigration Agreement was not given effect to until the Central Legislature had an opportunity to give its verdict on the terms of the Pact. The Committee of the Bengal National Chamber of Commerce have in vain urged on the Government to postpone the ratification of the Agreement pending the examination of its terms by the public and the commercial organisations in the country. The Agreement, however, appears now to be a *fait accompli*. But having regard to the strong popular feelings which the Agreement has evoked, the Government of India will be well advised to have the terms of the Agreement so modified as to ensure a more honourable treatment being accorded to Indians domiciled in Burma and to those who may happen to go there in future.

Sir, the necessity and desirability of maintaining goodwill and friendly relations with Burma cannot be too highly emphasised. To my mind, this can only be ensured by the conclusion of an Agreement on reasonable terms as between neighbours but not on terms which are degrading and humiliating to one party. This abject surrender of India to the will of a neighbouring country like Burma proves the utter helpness of the Indians and lowers them in the estimation of the outside world. It is, indeed, a dangerous precedent which the Indo-Burma Immigration Agreement has created and there is no guarantee than an Autonomous Province in India created by the Government of India Act, 1935, will not emulate Burma's example to put restrictions on a neighbouring province by legislative enactment. It may be argued, Sir, that an Indian province stands on a different footing inasmuch as it is governed by the Government of India Act, 1935, whereas Burma has a separate Statute of its own. Nevertheless, nothing would prevent a province in India, Bihar for instance, from

enacting legislation within the limitations of the Government of India Act which might adversely affect the interests of the Bengalees in Bihar—a contingency which is not outside the bounds of probability, having regard to the acute anti-Bengalee feeling in that province. Now, Sir, the adoption of a similar measure by Bengal may put non-Bengalees residing in this province to great difficulty. Sir, that is why I deprecate the Agreement, the most objectionable terms of which are (1) that no Indian will be allowed to enter Burma without a valid Indian passport containing his photograph and other particulars sufficient to establish his identity or without a passport *visa* or an immigration permit issued by or under the authority of the Government of Burma. Some distinction is made between visitors and students desiring to enter Burma for educational purposes. (2) A *visa* on an Indian visitor's passport will be valid for three months, but this period may be extended up to a total stay in Burma of twelve months. (3) A fee of Rs. 20 will be charged for visitors' *visa*. (4) A student's *visa* will be valid for a stated period not exceeding five years. No Indian may enter Burma without one of the two classes of permits, namely "A" permitt and "B" permit. The "A" permit will entittle the holder to remain in Burma for an indefinite period to expect employment therein.

No bar will be placed on the acquisition of a Burma domicile by the holder of an "A" permit. "B" permit will entitle the holder to reside in Burma for a specified period and accept employment therein. "B" permits being for limited periods will not allow the holder to acquire a Burma domicile. They will be issued for a maximum period of three years but the duration may be extended at the discretion of the Government of Burma for further periods which, with the original period, may not exceed a total of nine years. The holder of a "B" permit may apply for an "A" permit on the same terms as an original applicant for an "A" permit. The issue of an immigration permit will be subject to the terms and conditions set out in the Agreement. The Government of Burma will constitute at an early date an Immigration Board to examine the relevant date and tender advice to the Government of Burma generally on matters of policy relating to Indian immigration into Burma, and in particular on the fixing of quotas for grant of permits. The Board will be of a mixed racial composition and Burmans, Indians and Europeans will be represented on it. The penalties imposable under the Burma legislation shall not exceed imprisonment for six months, or a fine of Rs. 1,000 or both, on persons convicted before a Magistrate of an infringement of the immigration rules, or a breach of the conditions of a permit or of making a false statement in order to obtain a permit or other privileges relating to entry to or residence in Burma, or to secure registration as a "privileged immigrant". The Government of Burma may impose a literacy test on applicants for "A" permits.

"The following scale of fees will be charged for immigration permits:—

"A" permits—Rs. 500.

"B" permits (for unskilled labour)—an entrance fee or *visa* fee of Rs. 12 plus a residence fee of Rs. 5 for each year, or part of a year, for which permits will be valid.

For other "B" permits—an entrance fee or a *visa* fee of Rs. 30 for each year, or part of a year, for which the permit is valid—Rs. 20.

Arrangements will be made to enable immigrants to pay his residence fee by yearly instalments, if they so desire.

Dependants.—Half the rate per dependant of the fees is payable by the immigrant himself before entry into Burma. A deposit of Rs. 20 will have to be made to the Government of Burma by persons who are granted "B" permits or by their dependants to cover the cost of repatriating them.

Repatriation will be at the choice of the repatriated Indian to the Ports of Calcutta, Chittagong, Madras, Vizagapatam and Gopalpur. The deposit will be refunded if the person concerned leaves Burma of his own accord or obtains an "A" permit.

Then with regard to "privileged immigrants", Indians who prove a total residence in Burma of seven calendar years between the 15th July, 1932, and 15th July, 1941, will be termed "privileged immigrants". Such "privileged" immigrants shall have the right to a further residence and to the acceptance of further employment in Burma without limit of time, but they will lose their status of "privileged" immigrants, should they be absent from Burma for a continuous period exceeding one year after the 15th July, 1941.

A "privileged immigrant" so long as he retains his status will be given the right of free re-entry into Burma on his return after an absence of less than twelve months. There are certain transitory provisions——

Mr. PRESIDENT: Order, order. It is not necessary to inform the House about all these. You are only to show how the Agreement is objectionable. It is no use reading all these notes.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, I am trying to prove the drastic nature of the Agreement, and unless I read out the terms and conditions, I cannot make out a case for better treatment of the Indians.

There is a system of registering Indians in Burma. With regard to the question of unskilled labour to which reference has been made by my friend Mr. Nur Ahmed, it is known that a large number of people from Bengal go to Burma in order to earn their living. According to the terms of the Agreement, they will no longer be permitted to visit Burma for the purpose of earning their livelihood and the result will be that those who are already there will be thrown out of employment and the Bengalee labourers from Chittagong and other districts of Bengal will be debarred from proceeding to Burma in future. These drastic terms of the Agreement call for serious consideration before they are given effect to. In these circumstances, we would request the Government of India to reconsider the matter with a view to preserving some of the rights which the Indians in Burma have hitherto enjoyed.

Mr. HUMAYUN KABIR: Mr. President, Sir, it is very rarely that there is perfect unanimity among all sections of the House with regard to a question of this nature. But to-day we have witnessed that rare phenomenon. In spite of the verbal opposition of my friend, Mr. Laidlaw, to certain parts of the motion, his whole speech was in fact in vehement support of its spirit. He might have opposed the motion in letter, but actually supported the spirit which underlies it.

I do not propose to deal with this question in much detail, particularly after the adequate and detailed reference which has already been made to the special conditions of disability imposed upon the Indians in Burma. The conditions have been explained in detail, first by the honourable mover of the motion and then by Rai Bahadur Keshab Chandra Banerjee, but I would only like to place before the House one further aspect of the question. Mr. Laidlaw pointed out that when the Government of India have taken an important decision of this type in the past they have generally given the public an opportunity of discussing the matter. It is not that they always listened to the opinion of the public; but at any rate the public had time to make representations and discuss and express an opinion on the question. But in this particular case the whole thing was hurried through in a manner which on the face of it, is suspicious (Rai Bahadur KESHAB CHANDRA BANERJEE: Secretly). The whole thing was done secretly as my honourable friend sitting to my right says.

Then, Sir, no one knew that the Bajpai Committee was being sent to Burma with full powers to come to a final agreement without it being placed before the Central Legislature or without allowing the Indian public to have their say in the matter. It was done in such a great hurry that, as Mr. Laidlaw has pointed out, executive officials here did not know what was actually happening. The whole thing

was done in a hurried, concealed and surreptitious manner which suggests, as Mr. Nur Ahmed has said, that there was serious bungling and there are some interested parties who want that the bungling does not come to light.

I would also like to ask the Government of Bengal to make a statement whether they have any views on this particular question. Generally, in the case of motions under rule 112 of the Bengal Legislative Council Procedure Rules it has been the procedure with the Ministers of Bengal merely to get up and say that the Government of Bengal have no opinion in the matter and that they will forward the debate on the subject as a whole, because this is a subject which does not primarily concern them. But to-day, I think, Sir, they will not be able to put forward the same excuse. I hope that the Government will not make that excuse this time for this is a matter which concerns a very large number of people of this very province. We do not know whether the Government of Bengal was actually consulted before the preliminary negotiations were made or whether they were informed when Sir Bajpai actually initialled the Agreement. But, if the Government of Bengal were not consulted, they had a right to be consulted and they should make representations to the Government of India to see that at least in future no such commitments with regard to a very large number of the nationals of this province is made without first consulting the Government of Bengal. They should further make representations in this case so that the discriminatory procedure and particularly some of the objectionable features in the Agreement which has been made might be rectified.

I do not for a moment question, as Mr. Laidlaw also has pointed out, Burma's right in theory to make any regulations she wants about people who come into that country. We also should have the right to make any regulations that we want to make with regard to people who want to come into this province. As a matter of fact, however, the relation of different countries is governed not by theory, but by expediency; it is governed by the conditions of mutual goodwill between them. Where this does not happen, the result is recrimination, bitterness and it has often led to even more unfortunate results.

I am inclined, in passing, to make a reference to a point which was made by Mr. Laidlaw with regard to passports. He told us that this sort of restrictions are not objected to in any country and he at any rate thought it good to include a copy of one's photograph in the passport. Does he for the moment forget that many of the leading thinkers of his own country believe that passports are an utter nuisance? I think members of this House who have any experience of travelling in other countries will bear me out when I say that passports are an unmitigated nuisance and an unnecessary botheration. The fact is

that passports were introduced not very long ago; they have been in existence for some 50 years or so; and during this period, instead of proving its efficacy, they have done just the reverse. People who want, manage to get round and evade the regulations of the passport system. It is not liked by law-abiding citizens and it does not restrict the movements of those who want to evade the law. To-day, people all over Europe are of the opinion that all such restrictions should go: passports as well as Customs, Tariff and such other restrictions. I do not, however, want to pursue the point further.

Now, there is the question of literacy test which has been suggested by the Burma Government. We do not know what actually these tests mean. We know that Australia has also a test with regard to immigrants. I think honourable members of this House will be astonished to hear that a European professor, proficient in about 15 languages, was debarred from landing in Australia on the ground that he was not a literate person! He was asked to read a passage from, I think, Finnish (if I remember aright). That happened to be one of the few European languages with which he was not familiar. It was certainly a literacy test but this man, who knew English, German, French, Italian and Russian, in fact about 15 languages, was given a test in Finnish! He failed in that literacy test. I do not know what sort of a literacy test has been prescribed by the Burma Government but if it is this kind of literacy test, it may well be dangerous.

But to resume the main point of my argument. The Government of Bengal have a responsibility in the matter and they ought not to merely forward the debate on the motion. They should place before the Government of India that it is the unanimous opinion of all sections of the House that these regulations have been brought forward in a haphazard manner; this Agreement has been made without consulting public opinion; these restrictions have been imposed without giving the public either time to adapt themselves to them or to protest against the imposition of such restrictions.

All these are matters which ought to be rectified and, I trust that the Government of Bengal will represent the point of view of the House as a whole and not merely act as a report-forwarding office.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, I am very grateful indeed to Mr. Nur Ahmed for bringing forward this motion. Sir, it is purely a labour question of supreme importance. It affects the economic well-being of thousands of Indian immigrants working in Burma. As a matter of fact, Mr. Laidlaw will bear me out that thousands of passengers sail by British India Company's boats from Gopalpur, Visagapatam and Chittagong to Burma. And that about 90 per cent. of these people who go to Burma are labourers who help

in the development of agriculture and the industries of Burma. It is well-known that without Indian labour the industries of Burma, its great agriculture, would have been nowhere. It is the same old story that industries of Mauritius and Fiji and other British Colonies would not have developed without the help of Indian labour. It is no wonder that protests have been made against the humiliating conditions that have been imposed in this Agreement. Sir, I am sure that the Government of India must have exerted utmost moral influence on Burma to get the best terms. I cannot believe that it has been done secretly, stealthily and clandestinely, as alleged by other speakers. But Burma is regarded now as a self-governing country and perhaps she it thinking that her own interest should be safeguarded to a certain extent. I am not sure whether the Government of India has imported into the Agreement well-known conditions that have been laid down in the International Labour Conventions affecting immigration and emigration. I believe Mr. Kabir said something about this point.

Then, there is another thing. The question of retaliation may crop up, because it concerns the economic destiny of thousands of our countrymen. If the surplus Indian labour come away from and do not emigrate to Burma, the result will be that levels of wages in Madras, Orissa and Bengal will fall down. There is a belief that up-country labour is ruining Bengal. Nothing of the kind. Our Bengalee workers are not perhaps up to the mark, for example, in labour in the jute industry. Therefore there should be compromise and harmony. I therefore suggest that Government of India should take immediate steps to consult the International Labour Immigration and Emigration Conventions and place them before the Burma Government.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, my honourable friend Professor Kabir rightly observed that on a motion moved under section 112 of the Bengal Legislative Council Procedure Rules Government as a rule do not express their views. So, if any honourable member wants the Government to express their views, he should bring an ordinary resolution and not a motion under rule 112.

Mr. PRESIDENT: Before the Hon'ble Minister resumes his seat, I would like to draw his attention to section 138 of the Government of Burma Act, 1935. It states: "His Majesty may by Order in Council direct that, during such period as may be specified in the Order, immigration into Burma from India shall be subject to such restrictions as may be specified in the Order (being such restrictions as may have been mutually agreed before the commencement of this Act between the Governor of Burma in Council and the Governor-General of India in Council and approved by the Secretary of State, or in default of agreement as may have been prescribed by the Secretary of State), and no other restrictions".

This shows that an Order in Council shall have to be issued by His Majesty and the Government of Bengal, if they desire, may represent the views of the people of Bengal on this matter to the Secretary of State for India before such an Order is issued. I may refer in this connection also to section 106 of the Government of India Act itself. Section 106 (*1*) lays down: "The Federal Legislature shall not by reason only of the entry in the Federal Legislative List relating to the implementing of treaties and agreements with other countries have power to make any law for any Province except with the previous consent of the Governor."

So, if the Government of India or the Federal State make a new law implementing this Agreement, they will have to consult the Governor of Bengal. Therefore, the Government of Bengal will have to decide their own course of action and to advise His Excellency about the stand that should be taken. This matter does not affect the Europeans so much as the Indians, because section 44 of the Burma Act provides:

"subject to the provisions of this Part of this Act, a British subject domiciled in the United Kingdom shall be exempt from the operation of so much of any Act of the Legislature as imposes any restriction on the right of entry into Burma."

So, it is apparent that the Britishers in India who are domiciled in the United Kingdom will be exempt from the operation of any Act of the Burma Legislature that imposes any restriction on their right of entry into Burma. Their case will, therefore, be different. But, so far as the Indians are concerned, any restriction imposed by the Burma Government on their entry into Burma will be fully applicable to them. It will appear, therefore, that if the Ministry is convinced that they should safeguard the interest of the people of Bengal in this matter, they should not remain merely neutral but take steps to represent to His Excellency the Governor the opinion of the Council, so that before the Order-in-Council is issued, the Secretary of State may know the feeling of people of this province on this question.

Rai KESHAB CHANDRA BANERJEE Bahadur: On a point of information, Sir. Was the Government of Bengal consulted by the Government of India before entering into this Agreement; if so, what opinion did they express on the matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, we were not actually consulted before the Agreement was entered upon. If Government have an opportunity of further taking up this matter with the Government of India, they will certainly express their views in a way which will be consistent with the dignity and the interest of the people of this province and there should be no doubt on that point.

Khan Bahadur NAZIRUDDIN AHMAD: May I rise on another point of information, Sir? The Hon'ble Minister said that it was the practice of the Ministry not to express any opinion on matters arising out of a motion under section 112 of the Rules of this House. I should like to know if it is a rule or a mere expression of opinion or whether it is the settled policy of Government not to speak or make any comment on such motions while forwarding the debates in connection therewith to the Government of India.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is more or less a practice: I will not place it so high as a rule. It is merely a convention that we are trying to follow.

Khan Bahadur NAZIRUDDIN AHMAD: Is there any harm in expressing any opinion on such motions?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The Government of Bengal always try to discharge their duty towards the province and its people, and they have not done anything in this connection which will prejudicially affect the interests of the people of Bengal—that is a point which I should like to stress. I would also like to observe that the Delegation led by Sir Girija Sankar had before them all the facts that were urged by the mover of the motion and the Delegation went into the matter very thoroughly. The Agreement arrived at between the Government of Burma and the Government of India had the unanimous support of the Indian residents in Burma and Sir Girija Sankar and his colleagues on the delegation tried to make the best of a bad bargain and that within a very short time. Delay might have been prejudicial to the interest of Indians in Burma rather than being helpful to their rights. That is why the Agreement had to be concluded in a great hurry: this much I can communicate to the House.

Rai KESHAB CHANDRA BANERJEE Bahadur: May I rise on a point of information, Sir? The Hon'ble Minister has said that the Indian residents in Burma fully supported the Agreement. Was this done in the shape of a representation submitted to the members of the Delegation or did Sir Girija Sankar Bajpai and other members of the Delegation send for these people and consult them—at any rate the prominent residents among them?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir Girija Sanker, I believe, had opportunities of meeting the representatives of the different associations of Indians in Burma and he discussed the matter with them at every stage of his discussion with the Government of Burma, and ultimately he received full support of the Indians in Burma.

Mr. HUMAYUN KABIR: Was it a deputation of Indian residents to protest again this Agreement, or a deputation consisting of some Indian residents in Burma?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is not my information. I am speaking from the information which I received sometime ago, and I am depending on my memory.

Khan Bahadur NAZIRUDDIN AHMAD: Does the Hon'ble Minister think that the Indian residents in Burma willingly and voluntarily agreed to be fined Rs. 500 and to pay Rs. 20, Rs. 30 for exercising their ordinary rights of citizenship.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I mentioned that Sir Girija Sankar and his colleagues on the delegation tried to make the best of a bad agreement and the question of voluntarily agreeing to the proposals of the Burma Government did not arise.

Mr. HUMAYUN KABIR: I have one further question, Sir. The Hon'ble Minister has said that the Government of Bengal were not consulted and that they proposed to make a representation if and when the matter would be referred to them. My question is: why do not the Government want to take the initiative in the matter? The Agreement has already come into operation with effect from 1st August and if the Government of India did not consult this Government before, they may not consult for some time yet. So in the meantime why the Government should not take the initiative in the matter and make some arrangement during the interim period?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, neither have I said that the Government of Bengal have not been consulted nor do I admit that they have been formally consulted.

Mr. W. B. C. LAIDLAW: May I point out that the matter which is of immediate importance is the safeguarding of the interests of the unskilled labour? The unskilled labour has been affected by this Agreement and the definition of the term "unskilled labour" is extremely vague and indefinite. There is no proper definition of this expression. So a proper decision should be taken as to what is unskilled labour and what is not. I think it is up to the Local Government to try and do something in this direction.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is a point which Government will bear in mind.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Has the Ministry been consulted?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I have nothing more to add.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, the question of discremination has been raised in this motion. I submit that it is not a question of discrimination in the sense in which it is prohibited by the Constitution Act. But it is discrimination in the ordinary sense of the expression. It is prohibition against Indians by the Burma Government to enter Burma. It is an act of oppression when people from India are shut out by the oppressive law that the Indians will have to pay Rs. 500 as admission fee, and many other fees of various amounts. From these conditions it is clear that it is the deliberate policy of the Burma Government to prohibit the entry of Indians into Burma. I submit, Sir, that the removal by force of the Jews from Germany was not more unjust than this Agreement. Though it is supposed to be under an Agreement, the Hon'ble Minister somewhat reluctantly admitted that the Agreement—if it is an Agreement at all—is not voluntary. In this connection, I may say that the attitude of the Hon'ble Minister, namely, that he neither admits that the Government have been consulted in this matter nor denies it, is not fully appreciated on this side of the House. There should be nothing confidential and secret. There is no harm in saying one way or the other in a matter of this nature. The entire House feels very much concerned over the adverse fate of hundreds of thousands of Indians who once contributed towards the advancement of Burma. We are now in the midst of war and Burma is in greater danger at the present moment than Bengal. Indian soldiers have gone over to Singapore to protect Burma and thereby to protect India. In these circumstances, it is natural for us to ask whether Burma—though it is an independent country (previously an ordinary province of India) since the inauguration of the new Reforms, is it not natural for us to ask whether Burma is a part of the British Empire; whether India has ceased to be a part of the British Empire; if we are not units of the same Empire and when we are in the face of a common danger and when Indian soldiers have got to be drafted to Singapore to protect Burma, is it the proper time to initiate agreements, legislative measures, discriminatory measures of the type that we have heard in this House against Indians? I do not rely upon the past gratitude at all, because in law past consideration is no consideration; but I rely upon what is to be done by India and what could be expected of India in the future, if the danger increases.

In these circumstances, I submit that the motion is very proper; it raises very important questions and it should be passed unanimously by the House.

Sir, in this connection, I regret certain words which fell from Mr. Laidlaw. Mr. Humayun Kabir did not go far enough to discuss it fully and he said that Mr. Laidlaw is right in holding that Burma can impose restrictions and so on. (Mr. HUMAYUN KABIR: In theory.) According to Mr. Laidlaw there is no difficulty except as to passports, duplicate photographs and so forth and he deals with this matter as if it was the most vital matter of all. But I should submit—although I have not got the experience of foreign travel as Mr. Humayun Kabir has—and I should rather submit to pay for and get two photographs, and I won't object to passport difficulties.

But the honourable the mover of the motion has raised far more important questions. It is the payment of fine and recurring fines and so forth. I with some experience in the administration of criminal law cannot think of anything more drastic which even an ordinary criminal could be subjected to. It comes to a question of initial fine and then a condition about renewal of that fine after three years and also annual fines. I have never come across such things in my experience of the administration of criminal law. In these circumstances, the Indians are subjected to a sort of terrorism and oppression which we do not extend even to ordinary criminals. In these circumstances, Mr. Laidlaw should have added a word about the more drastic and objectionable portions of the Agreement.

Sir, in these circumstances, I think we, as Indians and also as Bengalees, cannot but feel very strongly in the matter and we will ask the Government of India to exercise its drastic powers—its powers not of retaliation but of extending the military help that India can at the present stage extend for the protection of India and Burma and use that as a lever to secure some relief for the Indians in that country.

With these few words, Sir, I hope that the motion would be carried unanimously.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, discrimination is already provided for in the Government of India Act, 1935. British subjects are exempted. It is there in the Government of India Act itself. Government of Burma can only legislate affecting the British Indian subjects.

Mr. NUR AHMED: Sir, I wish to say a few words in reply. Mr. Laidlaw has raised the question of discrimination and I am very grateful to my honourable friend Khan Bahadur Nasiruddin Ahmad

and to others who have replied to that question. Sir, I request Mr. Laidlaw to consider whether in view of the past relations of Burma with India, these terms can be justified under any conditions.

Sir, I am very much disappointed to hear what has fallen from the Hon'ble the Leader of the House. I think, with all respect to him and to the popular Government of Bengal, that Government have failed and failed egregiously in their duty to safeguard the interests of Bengalees who have gone to Burma as domiciled and residents in Burma. There is the example of Madras. The Madras Government have taken a very keen interest in this matter of safeguarding the interests of those people who go to Burma from Madras. There is a very large number of people from Bengal living in Burma permanently. The Government of Bengal ought to enquire into the grievances of those people from Bengal who live there with their properties and safeguard their interests. Sir, the Indian Chamber of Commerce in Bengal have protested vehemently and have sent a powerful deputation to wait upon the Government of India.

With these few words, Sir, I again appeal to the House to accept my motion.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I want to make one or two observations. I do not propose to express the Government point of view on this motion. We shall forward the report of this debate to the Government of India. That will be in conformity with the practice hitherto followed by the Government of not expressing any opinion on motions moved under rule 112 of the Rules of this House. There should, however, be no misapprehension as regards Government's attitude towards the interest of Bengal's immigrant population in Burma. As a matter of fact, we propose to take up this matter with the Government of India as early as possible. I would, therefore, repudiate the suggestion that Government have ignored or have not taken sufficient interest in the fate of Bengali immigrants in Burma. All I want to point out is that Sir Girija Sankar Bajpai and his colleagues had before them all the facts that were urged by the mover of the motion. They had the Baxter report before them and they tried their best to obtain the most favourable terms for the Indian immigrants; but having failed to do so, they had to accept the terms incorporated in the Agreement. This observation I make on the strength of a document which I had an opportunity of seeing sometime ago.

Mr. PRESIDENT: The question before the House is: that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council with a request to represent to the Government of India the considered

views of this Council that the various terms of the Indo-Burma Immigration Agreement, such as the literacy test, the payment of high entrance and residential fees, and registration of Indians, are highly objectionable and discriminatory and to request the Central Government to take necessary steps for their modification before the Agreement is ratified.

(The motion was agreed to.)

Mr. NUR AHMED: May I, Sir, request you to postpone the consideration of the next motion regarding the abolition of the Civil Branch of the Indian Medical Service, as I understand that Government want time to consider the pros and cons of the matter?

Mr. PRESIDENT: All right. This motion is, therefore, not moved for the time being.

Mr. NUR AHMED: Sir, I beg to move that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council with the request to make a representation to the Government of India for taking immediate steps for finding out suitable markets for the surplus quantities of jute produced in Bengal and not required for the Indian mills and also for adopting such other suitable measures as may be deemed necessary to bring the price-level of jute to normal condition.

Sir, this is a motion which affects the vital interest of Bengal but I think I need not take very much time of this House in canvassing support for it. Jute is one of the principal products of Bengal. The prosperity of the province and the development of its economic life depends on the trade in jute. Bengal produces 80 per cent. of the jute crop required for the world and therefore it may be said that Bengal holds the monopoly for jute. Though jute is also grown to some extent in small quantities in Assam and Bihar, practically it is the monopoly crop of Bengal. The majority of the population of Bengal are the cultivators of jute and have to depend on a good price of jute of their living and sustenance; so jute may be said to be the life-blood of Bengal, the fountain-head and source of all progress and prosperity of Bengal. Therefore, if the price of jute cannot be kept at the normal level, then disaster and catastrophe is sure to overtake this province of ours. The world-wide devastating war has dislocated the world trade and commerce and has had its effect on the jute trade of Bengal also.

Since 1929 there has been a trade depression and since then there is dull market so far as jute is concerned. For some time there was good market but it did not last long. Again, Sir, there was a bad time and jute-growing peasants of Bengal suffered long. On account of the

present War, the market has been considerably restricted and those countries which used to import jute have practically ceased to do so.

Then, Sir, according to the figures supplied by the Government it appears that in 1940 the total output of jute was about 126 lakhs bales excluding a surplus of 5 lakhs bales from 1939. In 1940-41 there was about 131 lakhs bales of jute in the stocks of growers, traders and in the market. Taking a most optimistic view and assuming that Indian mills will consume about 50 lakhs bales of jute and foreign countries will import 10 lakhs bales of jute, still there remain 71 lakhs bales to be disposed of. This is a phenomenon which baffled our Provincial Government. I must give credit to the Government of Bengal for doing as much as possible, even going so far as to purchase the surplus jute when downward tendency reached its minimum point and there was an apprehension of disaster in the jute-growing districts. They also approached the Government of India and tried to find out a remedy but the remedy could not be found. In the last resort the Government of Bengal enacted a legislation and as a result of this legislative machinery restriction has been imposed on the growth of jute. By this method the output of jute may be reduced by two-thirds. But what about the surplus which still remains and if we take that figure (71 lakhs) which still remains to be disposed of and take the next year's crop which, according to forecast, is about 42 lakhs bales, the surplus for 1940-41 will be very great. If the normal consumption is 80 lakhs bales, still there remains the question of consumption of the surplus. To-day I have read in the paper that the Argentine Republic has sent requisitions for importing Indian jute.

Sir, it is a matter of great concern to Bengal and unless this jute crop, these jute bales are disposed of and they can bring proper prices, there is no future for Bengal; Bengal is bound to face disaster and I think it is the bounden duty of the Bengal Government to find out ways and means for disposal of the surplus stock of jute. Sir, my prayer in this resolution is humble. Jute being a commodity for world consumption concerns all countries. So my request is to approach the Central Government to find out means and ways for disposal of this surplus.

With these few words, I commend my resolution to the House for its acceptance.

Mr. PRESIDENT: Resolution moved: that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council with the request to make a representation to the Government of India for taking immediate steps for finding out suitable markets for the surplus quantities of

jute produced in Bengal and not required for the Indian mills and also for adopting such other suitable measures as may be deemed necessary to bring the price level of jute to normal condition.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I rise to support this resolution whole-heartedly. Sir, we find that 71 lakhs of bales of jute of last year are still remaining unsold in the houses of jute-growers and we are going to get another 40 lakhs of bales this year, whereas ordinarily the normal consumption even during the pre-war period was only 80 lakhs of bales. If that be so, Sir, there will be a huge surplus remaining even if the war terminates and there will be free exportation of jute. If the war does not terminate, the consumption in India also will be very much less, will not be more than 40 lakhs of bales or perhaps even less. So, Sir, all our efforts in regulating this jute crop and all the money spent over the jute regulation business will be wasted if something definite is not done to dispose of this surplus of the previous year. It will have also a very bad effect on the future jute-growers because if even after this regulation they do not get proper price for jute they will think that the regulation has not done them any good at all, while, as a matter of fact, the real reason for their not getting any benefit will be due to the surplus remaining from the previous year. Something has to be done for the disposal of that surplus, Sir, and I must congratulate my friend Mr. Nur Ahmed for brining forward this motion. Provincial Government can do very little for disposal of this surplus except within the province. They cannot possibly utilise this huge surplus now. So we have to approach the Government of India to think out ways and means, after negotiation with other countries, if possible friendly countries, to dispose of the surplus jute so that the price of jute may remain normal and there may not be any depression of prices in the jute market.

With these few words, I whole-heartedly support the motion so ably moved by my honourable friend Mr. Nur Ahmed.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, the debate will be forwarded to the Government of India in the usual course. But, I find that although this is a very useful expression of opinion on the part of the Council and a direction to the Government of India to find out suitable markets for the surplus quantity of jute, I wonder to what extent honourable members who have moved and have supported the resolution before the House feel that there is any likelihood of success in this endeavour. Jute is processed by the mills here and turned into finished products. It was also processed by other mills outside India most of which are now in enemy hands. Jute is also largely consumed by the Dundee mills. Jute used to be exported both

in its raw form and as manufactured products to such of those countries which have now passed into enemy hands and the export to England also has suffered very severe setbacks. Similarly, owing to lack of shipping space there has been a certain diminution of export to North America and South America.

Now, the question is that during the pendency of the war is it possible for the Government of India or for any Government to find out suitable markets for this jute and to bring the price-level to normal conditions?

Now, Sir, last year was an extraordinary year, the sowings were on a large scale and we had a huge crop. The crop was of such dimensions that it far exceeded the normal requirements of the world. Consequently, to bring about a balance between supply and demand, we had to adopt a policy of curtailing sowings. But, Sir, it is not reasonable to expect that one year's regulation of sowings can wipe off the surplus altogether. In order to bring about a balance between supply and demand, we shall have to go on regulating and adjusting; and we have definitely embarked upon a policy of regulation which will be carried on from year to year, so that the surplus of one year may be wiped off in the next year or the deficiency of one year may be made up in another year. And, therefore, when Khan Bahadur Saiyed Muazzamuddin Hosain says that the surplus of last year with the 40 lakhs of bales this year may possibly exceed this year's requirements, it may be so or it may not be so. Certainly, there is nothing to be wondered at because it was never expected that one year's regulation would bring about a balance between supply and demand. Khan Bahadur Saiyed Muazzamuddin Hosain is somewhat pessimistic when he says that should the war terminate it will lead to diminution of requirements! We expect on the other hand that should the war terminate it will lead to such a demand for jute goods from all those countries which have been starved for the last several years that in all probability the price of jute will shoot up to such an extent that it will benefit our country considerably and there is little doubt that that will solve much of our problems. The present prices of jute, however, also are not such as one can scoff at. The new crop is not plentiful: it is even less than is justified by the sowings; and the arrivals are slow and belated.

It is rather late this year owing to certain climatic reasons, and hence the price of the new jute is fairly high for the time of the year. We can only hope that this price will continue to be maintained, and if the agriculturist continues to get a good price for his jute, he will develop sufficient holding power which may enable him to keep his jute back as long as he possibly can, and bring his jute to the market in small quantities only if he can get a good price for it. That is an aspect that should be constantly placed before the agriculturist and

if honourable members really want that he should get a good price for his jute, then not only the agriculturist himself must co-operate to the full extent of his ability but their representatives also should use as much of their influence and organisation as possible to bring home to the agriculturist the necessity for withholding the jute from the market as long as he possibly can.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: May I rise on a point of personal explanation, Sir? I am afraid the Hon'ble Minister has misunderstood me when he attributes to me the statement that with the termination of the war jute demand will be less, whereas what I had said was that even in normal times our jute consumption was only 80 lakhs of bales. So, when we are going to have 70 lakhs and 40 lakhs, that is, 110 lakhs after the war, that will be a quantity that we shall not be able to consume even after the war; for it is a great deal more than what we can consume even in normal times. That, Sir, was the point I made, namely, that after the termination of the war, there would be a great deal of stock of jute in hand which it would be difficult to dispose of.

The Hon'ble Mr. H. S. SUHRAWARDY: But I think I have sufficiently answered my honourable friend that after the termination of the war the entire surplus and everything will be taken up. I am not certain whether the figures quoted by my honourable friend are correct that in normal times the consumption of jute is only 80 lakhs of bales; the normal crop hitherto absorbed is about 100 lakhs bales. But it cannot be denied that recently the world demand for jute goods has fallen and that is the reason why jute mills have decreased their hours of production from 54 hours a week which was the normal working hour to 45 hours a week. Of course, attempts are being made to find out new uses for jute. Some think that we may be able to make boards out of jute. There are various research organisations which are considering in what other ways jute can be utilised. For instance, recently, hessian has been found to be useful for sheep in Australia, which has resulted in a certain demand for jute goods which was helpful to the trade. We can only hope that some markets will be found but whether friendly countries will at the present moment be in a mood to co-operate with us and take more jute than they required is highly problematical. Further, when we come to consider prices, we should always keep in mind the possibility of jute substitutes or jute cultivation in other countries. There is a certain level at which the price of jute and jute goods must be maintained if they are to be absorbed by other countries. It is all very well to say that the price of jute should go on soaring higher and higher so that our agriculturists may get a high price for their jute; but there is this danger that if you put the price of jute too high, you may be killing the goose

that lays the golden eggs, and pave the way for substitutes for jute and for jute-growing by other countries so that they not have to be under any obligation to Bengal for their jute requirements. And therefore we shall have to try and find the golden mean to secure an adequate price for jute and at the same time keep our trade. You say that the price-level should be brought to normal conditions—this term is so elastic that it is very difficult to realise what the honourable member means. Some may think that jute should be sold at Rs. 12 per maund; some others may consider Rs. 12 too high and may consider that Rs. 6 ought to be a fair price. Therefore, if an Address like this is presented to the Government of India, the Government of India may well scratch its head in order to find out what the honourable member means when he refers to a price-level according to normal conditions. The spirit, however, of the motion is sound, namely, that we should try and find suitable markets for jute and Government have every sympathy with the spirit of the motion.

Mr. PRESIDENT: The question before the House is: that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Legislative Council with the request to make a representation to the Government of India for taking immediate steps for finding out suitable markets for the surplus quantities of the jute produced in Bengal and not required for the Indian mills and also for adopting such other suitable measures as may be deemed necessary to bring the price-level of jute to normal condition.

(The motion was agreed to.)

Order, order. The House stands adjourned till 2-15 p.m. on Monday next.

Adjournment.

The Council then adjourned till 2-15 p.m. on Monday, the 18th August, 1941.

Members absent.

The following members were absent from the meeting of the 15th August, 1941:—

(1) Mr. Kader Baksh.
(2) Mr. Shrish Chandra Chakraverti.
(3) Khan Bahadur Rezzaqul Haider Chowdhury.
(4) Mr. Bankim Chandra Datta.
(5) Mr. Kamini Kumar Dutta.
(6) Khan Bahadur Alhadj Khwaja Muhammad Esmail.
(7) Mr. Kanai Lal Goswami.
(8) Mr. Mohamed Hossain.
(9) Khan Bahadur Syed Muhammad Ghaziul Huq.
(10) Maulana Muhammad Akram Khan.
(11) Sir T. Lamb.
(12) Mr. J. McFarlane.
(13) Mr. Naresh Nath Mookerjee.
(14) Mr. Ranajit Pal Chowdhury.
(15) Mr. W. F. Scott-Kerr.

B. G. Press—1941-42—6924A—750.

Second Session—No. 12.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 18th August, 1941, at 2-15 p.m., being the twelfth day of the Second Session, pursuant to section 62 (*2*) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Opening of new Sub-Registry offices in rural areas.

38*. Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) the maximum number of documents a rural Sub-Registrar, on an average, registers in one year;

(*b*) whether any maximum number is fixed in this respect by Government; if so, what is the number; and

(*c*) whether there are any offices where the number of documents registered in one year is excessive and goes far beyond the average number; if so, whether Government contemplate to split up such offices and open new offices in closer quarters for the convenience of the registrants?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) The honourable member is referred to the Annual Statistical Returns of the Registration Department for the figures of the registration of each of the Registration offices in the Province.

(*b*) For practical purposes the standard of 5,000 documents a year is regarded as the number which a Sub-Registrar is expected to register ordinarily.

(*c*) In the interest of public convenience as well as efficient administration, offices are split up or their jurisdictions revised as occasion demands.

**N. B.*—Answering of question No. 38 was postponed on the 11th August, 1941.

Kandi Sub-Registry office.

39*. Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) what is the total number of documents registered in each of the years 1937, 1938, 1939 and up to 30th June, 1941, in Kandi Sub-Registry office;

(*b*) what is the normal maximum number of documents which a Sub-Registrar is required to register in a year in one office;

(*c*) if the number of documents registered in each year in Kandi office exceeds such maximum number; if so, whether the Government consider the advisability of opening an additional office in this subdivision;

(*d*) if the Hon'ble Minister is aware that the registrants of some part of Khargram thana are to travel over 25 miles to come to Kandi for registration; and

(*e*) what portion of the documents registered in the years 1937 to 1940 are sale-deeds of agricultural holdings?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) The figures are—

1937	5,117
1938	4,125
1939	5,844
1940	6,896
1941 up to 31st March	1,902

(*b*) There is no rigid limit in this respect. Some Sub-Registrars register six to seven thousand documents a year without inconvenience to themselves or to the registrant public. For practical purposes the standard is taken to be 5,000.

(*c*) The annual average of the last few years works out to 5,500 and as such and considering poor registration figures and receipts of the district it is not intended to open any joint office there.

(*d*) Only a few villages of police-station Khargram are over 16 miles from Kandi Sub-Registry office.

(*e*) The figures have been called for from the Registrar and will be supplied when received from him.

**N. B.*—Answering of question No. 39 was postponed on the 11th August, 1941.

Khan Bahadur ATAUR RAHMAN: Arising out of (*d*) where the answer is "Only a few villages of police-station Khargram are over 16 miles from Kandi Sub-Registry office." Is it a crow-flight distance or the distance by road?

The Hon'ble Mr. A. K. FAZLUL HUQ: The distance is by road, I believe.

Text-books for Primary and Middle English Course.

45. Mr. NUR AHMED: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) if his attention has been drawn to the text-books for the primary and Middle-English courses taught in primary and secondary schools, especially text-books which contain passages that cause communal hatred among various communities;

(*b*) if so, what steps have been taken by Government of Bengal to get such passages contained in the text-books used in higher class and colleges expunged or deleted from such text-books; if not, why not; and

(*c*) whether the Government propose to make thorough enquiry into the matter by any responsible officer and to take proper measures to prevent the recurrence of such passages causing and spreading communal hatred among the various communities in Bengal; if not, why not?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) No. Recently an undesirable passage was detected in a book which had been approved for use in class I of primary schools and the author was directed to remove the passage from the book. Those who review books for Bengal Text-Book Committee are definitely asked to state whether the books contain objectionable passages of this nature.

(*b*) This department controls text-books up to class VIII of secondary schools.

(*c*) Does not arise so far as this department is concerned.

Government affiliation to colleges.

46. Mr. BIRENDRA KISHORE ROY CHOWDHURY: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) the principles on the basis of which the Government grant or withhold affiliation to colleges;

(*b*) if any minimum amount of money in the Reserve Fund is insisted upon to this end; if so, what is that amount;

(*c*) if the payment of the staff on a particular scale is insisted upon; and

(*d*) if so, what is that scale?

The Hon'ble Mr. A. K. FAZLUL HUQ: No definite principles have been laid down by Government; each application for affiliation submitted by the University under sub-section (*3*) of section 21 of the Indian Universities Act, 1904, is considered on its own merits and, after such enquiry as may be considered necessary, Government grant or refuse the application or any part thereof. Refusals are rare and as required under sub-section (*4*) of that section, the grounds of refusal are stated in the order.

Communal teaching.

47. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether he is aware that the Education Minister of Sindh has issued a circular to the effect that if any teacher indulges in any communal teaching, he will be dismissed?

(*b*) Does the Hon'ble Minister propose to issue a circular that if any teacher indulges in any communal teaching he will be dismissed? If not, will the Hon'ble Minister be pleased to state the reasons for such refusal?

(*c*) Is the Hon'ble Minister aware that in Sindh, the same Education Minister in the said circular directed the Director of Public Instruction in Sindh to expunge from text-books anything savouring of communalism and ordered that such passages from History books must also go? Does the Hon'ble Minister propose to do likewise? If not, why not?

The Hon'ble Mr. A. K. FAZLUL HUQ: No.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state to which question this answer refers to?

The Hon'ble Mr. A. K. FAZLUL HUQ: All the three.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please look into the question (*b*) and see whether there is any room for further answer?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I can amplify the answer "No", by saying that dismissal is not a very easy matter. Sometimes when it is an aided school, the teacher is not a direct employee of Government. Therefore, Government ordinarily do not interfere.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister consider the advisability of issuing a circular discouraging communal teaching by teachers in different schools?

The Hon'ble Mr. A. K. FAZLUL HUQ: I welcome the suggestion. If the honourable member thinks it is necessary I shall certainly do so, but is there any necessity for issuing a circular like that?

Mr. LALIT CHANDRA DAS: Arising out of (*a*) and (*c*), will the Hon'ble Minister please enquire whether such things actually happened in Sind and do likewise here in Bengal?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am prepared to do so, if that is the feeling in the House, namely, to direct the Director of Public Instruction to issue a circular that nothing should be done by any teacher to which exception may be taken from this point of view.

Mr. LALIT CHANDRA DAS: Thank you very much.

Test relief work in Faridpur.

48. Mr. HUMAYUN KABIR: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) the amount of test relief sanctioned for the different subdivisions of Faridpur in the years 1940-41 and 1941-42;

(*b*) whether the amounts sanctioned have been all disbursed;

(*c*) whether the test relief money was distributed through the Union Boards; if not, why not; and

(*d*) if he proposes to take steps to have the works done with the test relief money inspected by the Subdivisional Officers of the respective subdivisions?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): Information is being collected and will be supplied as soon as possible.

Mr. HUMAYUN KABIR: May we know when the answer may be expected?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, it is very difficult to give a definite date. We are trying to collect the information as early as possible.

Mr. HUMAYUN KABIR: Will the information be placed before the House without any further question on this matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir.

Rise in price of foodstuffs.

49. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state if he is aware of the fact that great hardship has been caused to the people of limited income in Bengal owing to highly abnormal price of foodstuffs especially of rice and also owing to sudden rise in price of cloth and some other necessaries of life?

(*b*) If so, what measures have been adopted by the Government of Bengal to give necessary relief to the people of Bengal by keeping prices within reasonable limit?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) I am aware that hardship has been caused to people of limited income in Bengal owing to the increase in the price of rice and cloth.

(*b*) As regards the rise in price of cloth, the honourable member is referred to the two communiqués on the subject issued by Government recently.

As regards rice, the position of stocks in Bengal and the price of rice have been under constant consideration of Government. The price of rice has risen mainly for the following reasons:—

(1) The comparatively poor yield of rice in Bengal last year, and

(2) the rise in price of Burma rice.

As regards stocks, I admit that the position caused anxiety earlier in the year when on account of a higher price of rice obtaining at Bombay and Cochin, shippers were diverting the imports of Calcutta to those areas. Government then stepped in and held consultations with the importers and the Shipping Companies with the result that imports have since been coming in steadily and the stock position has considerably improved. From 1 lakh of maunds, Government have been able to increase the stocks to about 10 lakhs of maunds now in the Calcutta markets alone.

Enquiries into prices obtaining in Calcutta as well as mufassil are regularly made to see that there is no profiteering on the part of the dealers. Weekly advice of prices in Calcutta is circulated to District Officers so that they may work out a fair price for their districts after adding the usual freight charges and a small profit never exceeding 5 per cent. for the local dealers.

Early last month information was received that the Government of Burma had placed an embargo on the export of rice from the Aracan Division on account of the local shortage of rice there. The variety of rice exported from Aracan has been very popular in East Bengal. This Government forthwith made representations to the Government of India as well as to the Government of Burma that this embargo would worsen the rice position in the Province, and the result was that in response to these representations the Government of Burma lifted the embargo on the export of rice with effect from the 25th of July.

During the last week or so the price of rice has dropped by annas 3 to annas 4 per maund. The stocks now are sufficient. If there is difficulty in securing rice in any part of the Province, the assistance of the Chief Controller of Prices may at once be asked for to arrange supply of rice there.

Sir, in the first sentence of the last paragraph of my answer I would like to change the figure of "three to four annas" per maund by "seven annas", for the answer was written a considerable time ago, and it must have dropped by now "by seven annas per maund".

Khan Bahadur NAZIRUDDIN AHMAD: Will the Hon'ble Minister be pleased to state what is the normal stock of rice in this country?

The Hon'ble Mr. H. S. SUHRAWARDY: Well, Sir, these are abnormal times and it is very difficult to say what the normal stock is.

Khan Bahadur NAZIRUDDIN AHMAD: The present stock should always be considered with reference to the normal stock. That is the usual rule and in order to compare the present position of the stock of rice, I would like to know what is the the normal stock of rice required for this province.

The Hon'ble Mr. H. S. SUHRAWARDY: I do not know, but statistics have never been obtained as regards the present stock of rice in Bengal. What we can find out, however, is: if there is scarcity and whether there has been any movement of rice from one place to another; and for that purpose we have secured a sufficient quantity of rice in Calcutta, and if it was shown to us that there was scarcity anywhere in Calcutta people would be able to obtain Burma rice and we would be able to assist them.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleaded to state to which time the answer refers? Does it refer to the immediate position or does the answer relate to a position which prevailed some weeks ago?

The Hon'ble Mr. H. S. SUHRAWARDY: The answer was drafted about ten days ago.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if there has been any increase in the latest price of rice?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir. Far from it. The latest price is Rs. 5-1 for Burma rice in Calcutta, and the difference between the price of Burma rice and local rice which should be about six annas is about thirteen annas, but this has been the rate that has been prevailing for sometime.

Dr. RADHA KUMUD MOOKERJI: Will the Hon'ble Minister be pleased to state if Government have any idea as to the stock of rice in the province of Bengal together with its normal consumption?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir.

Mr. HUMAYUN KABIR: May I make a further inquiry as to whether there has been any recent increase in the price of rice?

The Hon'ble Mr. H. S. SUHRAWARDY: I should think, Sir, that the price of rice would change from day to day; but there could not be any very great variation in the price as long as there is "so much" of stock held. Some *aus* paddy has been recently cut and this has resulted in the price of rice falling to some extent in the rural areas. Another thing that we are after, is to see that there is no profiteering and that the price of this rice be kept within bounds, as compared with another rice, namely, Burma rice, which it can replace; and as long as the price of Burma rice remains fairly low—not fairly low, but comparatively low, for I cannot call it fairly low as compared with the price that existed sometime before—but as long as the price of Burma rice remains comparatively low, it is not possible for this local rice to compete with it. Of course, I am speaking of coarse rice, but so far as fine rice is concerned, which is a variety with which the honourable member is probably more conversant, its price is not controlled by the price of Burma rice.

Weavers in Bengal.

50. Khan Bahadur RAZZAQUL HAIDER CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether the Government have got any statistics showing the number of weavers in each district of Bengal?

(*b*) If so, will the Hon'ble Minister please place the same on the Table?

(*c*) Will the Hon'ble Minister be pleased to state whether he is aware that most of the weavers cannot work satisfactorily for want of funds and accessories?

(*d*) Will the Hon'ble Minister be pleased to state whether the Government have any scheme to utilise the services of the weavers who spend most of their time sitting idle?

(*e*) If so, will the Government place the same on the Table?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. TAMIZUDDIN KHAN): (*a*) Yes.

(*b*) A statement is placed on the Table.

(*c*) to (*e*) I am aware of the weavers' difficulties. To find out a practical solution of these difficulties by a better system of marketing and supply of raw materials, funds have been provided in the current year's budget for an experimental scheme based on the recommendation of the Bengal Industrial Survey Committee made in their Interim Report on the marketing of cottage industry products. It is expected to be put into operation shortly as soon as its detailed working programme, now under consideration, is finally settled. A copy of the scheme finally approved will be placed on the Library Table in due course.

Statement referred to in the reply to part (b) of question No. 50.

NUMBER OF WORKERS ENGAGED IN HANDLOOM COTTON WEAVING.

	Number of weaving families.	Number of workers.
Dacca Division—		
Mymensingh ..	6,767	22,905
Dacca ..	12,762	36,491
Faridpur ..	4,336	9,966
Bakarganj ..	1,446	5,766
Total ..	25,311	75,128
Chittagong Division—		
Tippera ..	5,808	13,233
Noakhali ..	3,517	8,196
Chittagong ..	1,612	3,683
Total ..	10,937	25,112

	Number of weaving families.	Number of workers.
Rajshahi Division—		
Pabna	5,853	13,241
Bogra	1,290	2,203
Rajshahi	765	2,542
Dinajpur	8,716	10,290
Rangpur	789	2,150
Malda	431	867
Jalpaiguri	251	551
Darjeeling	154	354
Total ..	18,249	32,198
Presidency Division—		
Murshidabad ..	2,198	4,409
Khulna ..	763	2,371
Nadia ..	3,454	9,996
Jessore ..	2,516	4,092
24-Parganas ..	1,438	7,144
Total ..	10,369	28,012
Burdwan Division—		
Birbhum ..	3,569	5,527
Bankura ..	3,124	7,037
Burdwan ..	864	2,861
Midnapore ..	4,134	9,342
Hooghly ..	4,072	9,769
Howrah ..	631	1,625
Total ..	16,394	36,161
Grand Total ..	81,260	196,611

Committee of Privileges.

Mr. PRESIDENT: Under Standing Order 19(*2*)(*iv*), I declare the following members, whose nominations were received, as duly elected to the Committee of Privileges for the current financial year with the Deputy President as Chairman:—

(1) Raja Bhupendra Narayan Sinha Bahadur,

(2) Khan Sahib Abul Quasem,

(3) Mr. Hamidul Huq Chowdhury,
(4) Khan Bahadur Naziruddin Ahmad,
(5) Mr. Dhirendra Lal Barua,
(6) Mr. W. B. G. Laidlaw, and
(7) Rai Manmatha Nath Bose Bahadur.

Statement on the resolution regarding aid to the Fishery Indusry in Bengal.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, in accordance with the provision of sub-rule (*2*) of Rule 95 of the Bengal Legislative Council Procedure Rules, I have the honour to place for the information of the Council the following statement on the resolution regarding aid to the Fishery Industry in Bengal that was passed by the Council on the 21st March, 1941:—

"With a view to encourage and help the fishery industry in all its aspects in Bengal, Government have accorded sanction to the scheme for the revival of Department of Fisheries in Bengal. The Fishery Expert who was appointed to survey the existing conditions of the fisheries in Bengal submitted a scheme which was examined by Government and it was considered necessary to work out the details of the scheme before they could be put into operation for which it was necessary first to appoint an expart as Director of Fisheries with a nucleus staff to assist him. The qualifications required for the post have been settled in consultation with the Public Service Commission and the Commission has been asked to advertise the post. The department will start work as soon as the Director has been recruited."

Point of Privilege.

Mr. HUMAYUN KABIR: Sir, may I raise a matter in connection with the Privilege of the House?

Mr. PRESIDENT: Yes, Mr. Humayun Kabir.

Mr. HUMAYUN KABIR: Sir, I refer to the restriction imposed on the consumption of petrol. It is not only the privilege of the members of this House to attend all the sittings of the House but also to attend to the other businesses of the House, *e.g.*, Select Committee meetings and other meetings. Members of the House have also to undertake activities outside the House for their work in the Legislature. May I, therefore, request that you will kindly take up the matter with the proper authorities and see that some sort of exemption is made

for the members of the House? I believe that this is a matter on which all sections of the House are agreed. We desire that some arrangement should be made for the supply of additional quantities of petrol to the members of the Legislature which will help us to discharge all our functions properly.

Khan Bahadur M. ABDUL KARIM: Sir, as my friend Mr. Humayun Kabir has said, difficulty is being felt by all the members of the House and it is essential in the interest of the business of the House that a representation should be made to the proper authorities in this matter. I suggest that the matter be referred to the Privilege Committee.

Mr. HUMAYUN KABIR: The Hon'ble President may also take it up directly.

Khan Bahadur NAZIRUDDIN AMAD: May I submit, Sir, that the Privilege Committee is a very appropriate tribunal where individual questions may be properly investigated. It is not all members who are affected by this restriction order. It is only those members who own cars that are affected. All owners are not equally affected. Owners with old cars with large petrol consumption are more affected than those having cars with moderate consumption. I suggest, therefore, that this matter be thoroughly investigated. There are members who have to attend Select Committee meetings and other things connected with the Legislature. So, this matter may be referred to the Privilege Committee. But if it is the view of the House that this formality is not necessary, I will not press it; but this is my personal feeling.

Rai MANMATHA NATH BOSE Bahadur: Sir, I agree with my friend Mr. Humayun Kabir that the matter may be referred to the Commissioner of Police or whoever may be the authority. The petrol which has been rationed for us is very very insufficient. So it is necessary that some sort of exemption may be made in the interest of the members of the House for the reasons which have already been mentioned in detail by my friend Mr. Humayun Kabir.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, I think Mr. Humayun Kabir was very reasonable in making the request. I do not agree with Khan Bahadur Naziruddin Ahmad that this is a matter which should be referred to the Privileges Committee. It sounds as if we are grudging other members who have got cars. As a matter of fact, those who have cars should have the privilege of more petrol, so that they might attend to the business of the House.

Sir THOMAS LAMB: Sir, I desire to support my honourable friend Mr. Humayun Kabir in this matter; but I suggest that as we all will have put in applications requesting supplementary rations of petrol, we should wait and see whether we obtain the same. If not, we can then appeal to you for your direct assistance and not through any Committee.

Begum HAMIDA MOMIN: I agree that the request of Mr. Kabir is very reasonable. The quantity of petrol allowed is only 12 gallons per car per month and with this it is impossible for us even to attend all the sittings of the Council, particularly from Tollygunge. I hope, Sir, you will take up the matter and request the authorities concerned to consider our case.

Mr. AMULYADHONE ROY: Applications by members of this House were made to the proper authorities, especially by the mofussil members; but, Sir, those applications have been returned by the authorities with the observation that they should be submitted to the District Magistrates concerned. Sir, I do not understand how it is possible for the members who are all residing here now to submit applications to the District Magistrates concerned and procure the petrol coupons from there. So, I think, Sir, you will take proper steps so that we might not be put to difficulty. Not only this, Sir; the plying of motor cars of some of the members has already been stopped and so, Sir, we are not only concerned with the quantity of petrol but that petrol should be available to those members.

Mr. PRESIDENT: The Chair has already received notices with regard to this matter; so the matter need not be pursued further just now.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I do not know whether it is really a matter of privilege of the House but, certainly, it is a matter of convenience to certain honourable members of the House. It does not apply equally to all the members. All of them are not equally affected. Only those members who maintain cars might be affected by the rationing of petrol. The rationing authority has got sufficient discretion to allow additional quantity of petrol and in the Application Form it might be mentioned that attendance to the Legislature is one of the purposes for which additional quantity of petrol is required. In that event, I am almost certain that the point will be taken into consideration by the rationing authority. So, I would request honourable members to wait and see whether that point is considered or not; if it is not, then the matter may be considered on your suggestion, Sir, by Government. I, however, do not consider, that it is a matter of privilege for the House.

Mr. PRESIDENT: The matter has been raised in the House as a question of privilege. The Chair decides to refer the matter to the Privileges Committee which will first discuss whether it is a question of privilege and, if so, how it should be dealt with.

As far as the other question is concerned, namely, that if any individual member suffers in the meantime from inadequate supply of petrol due to the restriction imposed, and if they desire to apply for additional quantities of petrol, the President will have no objection to endorse such petitions. It is unquestionably a right and privilege of the members to have full facilities to attend the meetings of the Council. Honourable members perhaps know that there is such a thing as a Sessional Order in the British House of Commons for affording easy access to the House of Parliament when it is sitting. The order runs as follows:—

"That the Commissioner of Police of the Metropolis do take care that during the Session of Parliament passage through the streets leading to this House be kept free and open and that no obstruction be permitted to hinder the passage of members to and from the House."

I, therefore, refer this matter to the Committee of Privileges.

Replies to outstanding questions.

Mr. HUMAYUN KABIR: Sir, may I refer to a large number of questions which are outstanding from either the last session or from the beginning of this session? We have been supplied with a list which contains not less than 15 or 16 questions, all of which were due to be answered towards the end of last month or first part of this month. Will you kindly take steps to see that the answers are expedited?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I shall certainly draw the attention of the respective departments and request them to expedite the replies.

The Bengal Criminal Law (Industrial Areas Amendment) Bill, 1941.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the Bengal Criminal Law (Industrial Areas Amendment) Bill, 1941, was referred to a Select Committee but the Committee has not been able to meet and complete its work. So, may I move with your permission that the time for submission of the report which was fixed for to-day might be extended to the 2nd of September, 1941?

Mr. PRESIDENT: The question before the House is: that the time for the submission of the Select Committee's report on the Bengal Criminal Law (Industrial Areas Amendment) Bill, 1941, be extended to the 2nd September, 1941.

(The motion was agreed to.)

The Bengal Court of Wards (Amendment) Bill, 1941.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the Bengal Court of Wards (Amendment) Bill, 1941, be taken into consideration.

Sir, this is a very simple measure and it arises out of a judgment recently passed by the Hon'ble High Court in which it was pointed out that the decree of the High Court was not a decree of the civil court. Therefore, section 10(*c*) of the Court of Wards Amendment Act does not apply to a decree of the High Court. In order to include the High Court within the term "civil court" as contemplated by the Court of Wards Act, this Bill has been introduced.

Mr. PRESIDENT: Motion moved: that the Bengal Court of Wards (Amendment) Bill, 1941, be taken into consideration.

The question before the House is: that the Bengal Court of Wards (Amendment) Bill, 1941, be taken into consideration.

(The motion was agreed to.)

Clauses 1, 2, 3 and 4.

Mr. PRESIDENT: The question before the House is: that clauses 1, 2, 3 and 4 stand part of the Bill.

(The motion was agreed to.)

Preamble.

Mr. PRESIDENT: The question before the House is: that the Title and the Preamble be added to the Bill.

(The motion was agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the Bengal Court of Wards (Amendment) Bill, 1941, as settled in the Council, be passed.

Mr. PRESIDENT: The question before the House is: that the Bengal Court of Wards (Amendment) Bill, 1941, as settled in the Council be passed.

(The motion was agreed to.)

The Bengal Patni Taluks Regulation (Amendment) Bill, 1941.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the Bengal Patni Taluks Regulation (Amendment) Bill, 1941, be taken into consideration.

Mr. PRESIDENT: Motion moved: that the Bengal Patni Taluks Regulation (Amendment) Bill, 1941, be taken into consideration.

The question before the House is: that the Bengal Patni Taluks Regulation (Amendment) Bill, 1941, be taken into consideration.

(The motion was agreed to.)

Clauses 1 and 2.

The question before the House is: that clauses 1 and 2 stand part of the Bill.

(The motion was agreed to.)

The question is: that the Title and the Preamble do form part of the Bill.

(The motion was agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move: that the Bill, as settled in the Council, be passed.

Mr. PRESIDENT: The question before the House is: that the Bengal Patni Taluks Regulation (Amendment) Bill, 1941, as settled in the Council, be passed.

(The motion was agreed to.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, may I rise on another point of privilege of this House? On Friday last, in answer to certain questions during the debate on the Burma Immigration Agreement, the Hon'ble the Leader of the House stated that the immigration laws and the Agreement relating thereto were agreed to by the Indian residents in Burma. Since that time we have come to know that Mr. Abdur Rahman Siddiqi, a member of the other House, has written a letter to the "Statesman" challenging the accuracy of the statement. He says that the terms of the contract were not made known to those residents in their entirety and that it was in ignorance of all the terms of the Agreement that they gave their consent to it. In these circumstances, a question of privilege arises in this way: that members of this House are entitled to correct answers. Of course, I do not challenge the *bonâ fides* of the Hon'ble Sir Bijoy Prasad Singh Roy in this respect, for it may well be that there has been a *bonâ fide* mistake somewhere. May I, therefore, request the Hon'ble

the Leader of the House to make necessary enquiries and let us have a correct answer, if that is possible? It is a very important matter and the House has a right to have correct answers so far as Government are in a position to give us.

Mr. PRESIDENT: I hold that it is not a question of privilege; but at the same time if the Hon'ble Leader of the House wishes to reply to the point raised, he can certainly do so.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I believe I made it quite clear that I was speaking on that occasion from memory and I still repeat that the representatives of the domiciled Indians in Burma who discussed this matter at every stage with Sir Girija Sankar Bajpai, the leader of the Indian Delegation to Burma, gave their unanimous concurrence, to the Agreement. They, of course, were not satisfied with the Agreement; but when they realised that there was no prospect of getting better terms they thought that it was the best of a bad bargain, as Sir Girija Sankar himself thought, and it was agreed to. Though speaking from memory—I think my memory is not failing me—I remember to have seen a very important document in which this was very clearly and precisely stated by Sir Girija Sankar Bajpai.

Mr. PRESIDENT: Order, order. The Council stands adjourned till 2-15 p.m. to-morrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Tuesday, the 19th August, 1941.

Members absent.

The following members were absent from the meeting held on the 18th August, 1941 :—

(1) Mr. Kader Baksh.
(2) Rai Bahadur Keshab Chandra Banerjee.
(3) Mr. Shrish Chandra Chakraverti.
(4) Khan Bahadur Rezzaqul Haider Chowdhury.
(5) Mr. Bankim Chandra Datta.
(6) Mr. Kamini Kumar Dutta.
(7) Khan Bahadur Alhadj Khwaja Muhammad Esmail.
(8) Mr. Kanai Lal Goswami.
(9) Khan Bahadur Saiyed Muazzamuddin Hosain.
(10) Mr. Mahomed Hossain.
(11) Khan Bahadur Syed Muhammad Ghaziul Huq.
(12) Maulana Muhammad Akram Khan.
(13) Mr. W. B. G. Laidlaw.
(14) Mr. J. McFarlane.
(15) Mr. Naresh Nath Mookerjee.
(16) Mr. Ranajit Pal Chowdhury.
(17) Maulvi Abul Quasem.
(18) Dr. Kumud Sankar Ray.
(19) Mr. J. B. Ross.
(20) Mr. W. F. Scott-Kerr.
(21) Raja Bahadur Bhupendra Narayan Sinha
(22) Dr. Kasiruddin Talukdar.

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THE BENGAL LEGISLATIVE COUNCIL DEBATES

Second Session—No. 13.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 19th August, 1941, at 2-15 p.m., being the thirteenth day of the Second Session, pursuant to section 62 (*2*) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Scarcity of seed in Noakhali.

51. Khan Bahadur REZZAQUL HAIDER CHOWDHURY: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) whether the Government is aware that there is great scarcity of seed and seedlings in the Noakhali district specially in the areas inundated due to a cross bund over the Noakhali *khal;* and

(*b*) whether it is a fact that the District Magistrate of Noakhali has moved the Government for immediate supply of seed and agricultural loans to the cultivators in the affected areas; if so, what steps have since then been taken?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) There is no scarcity of seed or seedlings, but owing to the cross bunds and continuous rainfall in the district, certain areas in Begumganj thana got water-logged. In these areas the cultivators found some difficulty in growing seedlings for want of sufficient raised lands.

(*b*) Yes. 910 maunds of seeds have been distributed. Up to 7th August, 1941, Rs. 12,40,000 has been sanctioned by Government for agricultural loans. The cultivators prefer cash loans to seed loans.

Prospect of a tannery at Chittagong.

54. Mr. NUR AHMED: Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*a*) if it is a fact that hides in large quantities are exported from the port of Chittagong every year;

(*b*) if it is a fact that tanning materials are available in the forest of Chittagong;

(*c*) whether it is a fact that there is a great possibility of starting a tannery at Chittagong;

(*d*) whether it is a fact that a proposal was made with Government to start a tannery and tanning school at Chittagong; and

(*e*) if so, whether the Government propose to start a tannery and tanning school at Chittagong as early as possible; if not, why not?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) Yes.

(*b*) Minor tanstuffs are available there, but they are not suitable for tanning commercial leather.

(*c*) The possibilities of manufacturing half-tanned leather on a large scale for export to overseas markets are under investigation of the Leather Industries Sub-Committee of the Bengal Industrial Survey Committee.

(*d*) and (*e*) There was originally a proposal to establish two Leather Trades Schools, one at Dacca and the other at Chittagong with a demonstration tannery and a shoe-making section attached to each, but as the schools would be experimental and involve large expenditure, it was decided to establish in the first instance only one school at Dacca as an experimental measure. On account of financial stringency it has not been found possible yet to make provision for it in the Budget.

Mr. NUR AHMED: Arising out of (*d*) and (*e*), will the Hon'ble Minister be pleased to state why Dacca was preferred to Chittagong?

The Hon'ble Mr. TAMIZUDDIN KHAN: Government considered that as the measure was experimental, it would be better not to start two schools simultaneously. Therefore one place was chosen.

If my friend wants to know the reasons in consideration of which Dacca was preferred, I want notice.

Inconvenience arising out of unanswered questions.

Khan Bahadur ATAUR RAHMAN: Sir, with regard to the questions left over in the absence of the Hon'ble Ministers concerned, or for some other reason, difficulty is felt by the members if they are taken up without previous intimation, because members have to carry bundles of questions from day to day in view of uncertainty on which day those questions will be taken up. So, I submit that a particular date may be fixed for this purpose, so that we may know beforehand when they would be taken up and bring the questions with us.

Mr. PRESIDENT: The Chair appreciates the difficulty of the honourable members. As I have said before, Hon'ble Ministers who cannot be present should inform the Chair beforehand. As regards the pending questions, I desire especially the Leader of the House to speak to the Hon'ble Minister concerned, so that something might be decided upon as to when they are to be taken up.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir, I shall.

Bengal Land Revenue Commission's Report.

Mr. PRESIDENT: The House will now resume further consideration of the Bengal Land Revenue Commission's Report. Begum Hamida Momin.

Rai Bahadur MANMATHA NATH BOSE: Sir, I was in possession of the House the other day.

Mr. PRESIDENT: I hope the honourable member will please waive his right in favour of the lady member.

Rai Bahadur MANMATHA NATH BOSE: Yes, Sir.

Begum HAMIDA MOMIN: Sir, Government has been criticised for the delay in coming to a decision on the recommendations of the Floud Commission. I do not think the criticism is entirely justified. The questions at issue are of the highest importance and on their solution the future of the entire revenue system of Bengal depends. Although the demand for abolition of the zemindary system is not a new one and has been the subject of controversy and discussion for many long years, Government cannot be blamed for being over-cautious in coming to a decision and giving effect to it. With the example of the Permanent Settlement before us, it would have been rash to take action without considering every side of the question. Their nervousness,

therefore, is excusable. The Hon'ble the Revenue Minister, I think, deserves credit for taking the matter in hand in accordance with public opinion, in spite of his being a zemindar himself, whose interests are at stake.

It seems to me, however, that the question has been well threshed out by the Floud Commission which made careful investigations on the issues involved. Sir Francis Floud, the Chairman of the Commission was brought out specially because he had no pre-conceived notions about the subject-matter of the enquiry. It was, therefore, unnecessary to have another officer to examine the report, because he was also a non-expert. Similarly, a further discussion in the Assembly and in the Council can lead to no useful purpose.

The arguments for and against the abolition of the zemindary system have been fully discussed in the Commission's Report and it is no use going over them again here. The concensus of opinion is that the Permanent Settlement was a mistake and its effect has been extremely harmful both to the State and to the *raiyats*. (MR. HUMAYUN KABIR: And to the zemindars.) Nine crores out of thirteen crores of rent-assets can no longer be allowed to be appropriated by middlemen. However necessary it might have been for Lord Cornwallis to take the assistance of zemindars for the realisation of revenue, they are no longer necessary for that purpose.

It is of the utmost importance that the State should be brought into direct relation with the agriculturists. No improvement in the condition of the *raiyats* is possible to any appreciable extent if the middlemen continue to intervene between the estate and the actual tillers of the soil and eat up the surplus profit from the land. The curse of agriculture in Bengal is the fragmentation of holdings. This defect can only be remedied by consolidation of holdings, as is being done in the Punjab and elsewhere. But this cannot be done unless and until all the numerous middlemen are eliminated.

Various suggestions have been made as to the manner in which the zemindary system should be abolished; but the Commission's suggestions for State purchase of all cash rent-receiving interests is the simplest and most acceptable. Too much attention has been paid by some to the financial side of the scheme of purchase. While certainly this is an important consideration, yet that alone should not be the deciding factor. Simplicity of administration, decrease in litigation and general improvement of agriculture and industry which will follow when the land is brought under the direct control of the State, are and should be the main reasons for State acquisition of middlemen's interest.

The next point of importance for decision is the rate of compensation to be paid to the zemindars.

There are extreme views on this point. On one side it is urged that no compensation should be paid as the original zemindars did not invest any money in acquiring them, that they were mere officers of the State and that during the last 150 years they have received considerable income from these lands without earning it.

On the other side compensation is claimed at 20 times the net annual income with 15 per cent. extra in accordance with the principles of the Land Acquisition Act. The majority recommendation of the Commission is 10 years' purchase while Mr. Gurner has recommended 15. Taking the special circumstances of the case, 10 years' purchase in my opinion is generous enough. It is a mistake to think that the zemindars as a body will be dissatisfied with the State purchase at this rate of compensation. As a matter of fact, the present market value of zemindaries is not more than 10 years' purchase and purchasers are difficult to get even at that. What with the difficulty of realisation of rents, the abolition of landlords' fee, the penalising of *abwabs*, the imposition of education cess and the loss of prestige—zemindaries are not what they used to be and most of the zemindars would be only too glad to get rid of them. Ten times the net income is not, in the circumstances, only reasonable but generous.

As regards the financial aspect of the proposal, I do not propose to discuss it on its technical side. From a common sense point of view, however, it seems to me ununderstandable why Government should lose, if zemindars can manage, in spite of various statutory handicaps, to get handsome income from their zemindaries to be able to live in luxury.

A fear has been expressed that this State acquisition will throw a lot of middle-class people out of employment. This apprehension is not justified. Even now only a small percentage of zemindars and tenure-holders can manage to maintain themselves solely with the income from land. A large number of these, as well as those who are now employed by the zemindars, will be employed by Government in the management of these estates and in various other capacities connected with the measures of improvement which will follow such as agriculture, industries, sanitation, etc. What I would urge on Government is that without wasting more time in futile discussions, they should accept the main recommendations of the Commission and give them a practical shape by examining the draft legislative measures suggested in Mr. Gurner's report.

Rai Bahadur MANMATHA NATH BOSE: Mr. President, Sir, although agriculture forms the basic industry of Bengal and although the land problem dwarfs all other issues in the province, it is surprising that a great deal of prejudice and ignorance envelopes the discussions of the system of land tenures of this province.

Sir, the land-problem in our province is very vital; it is not concerned merely with revenue-paying landlords and rent-paying cultivators. In and between these two categories has grown up a large number of middle-classes who are rent-receivers either in the ranks of landlords or *raiyats*. The problem practically touches every Bengalee, however indifferent he may affect to remain. If partisan bias and playful spirit are imported into the consideration and determination of such a vital problem, it is unfortunate for the province and not at all creditable for any responsible Government. It really pains me to find that the problem is not being tackled with the same amount of seriousness that the question demands.

Sir, the Floud Commission's Report is not satisfactory, because it has not devoted hard thinking and close examination to the land-problems of Bengal around which complications have grown through new legislations and new customs. The land-system in its basic structure is rooted in ancient past, although changes have taken place at various stages of history. To understand the land-system aright, a true historical perspective is necessary, and to appreciate the effect of the land-system on Bengal's social and economic life, perfect familiarity with rural Bengal is essential. The Commission did not go deep into history. Nor did it make a detailed study of rural Bengal. It generally concentrated on common charges against landlords and recorded its verdict in favour of certain doubtful conclusions. The primary defect in the composition of the Commission was that it was not an expert body, the members having been recruited from different political parties who could not shed their party bias and prejudices.

Sir, although I am critical of the Commission's Report, which has disappointed me, I must confess that the Commission has done one distinct service to the whole of Bengal. Valuable facts and statistical information have been collated and placed so that the land-system, complicated as it is, can be viewed in a clear perspective. Before the Commission was appointed, there were grave charges in the press and on the platform against landlords but the charges were often based more on bias than on facts. The Commission has brought out a wealth of information and it is expected that irresponsible and unsubstantiated charges will now be stopped. And it is to be hoped that in all future legislations Government, before coming to any conclusion, would weigh the facts brought out by the Commission. If this is really done, the Commission's Report will be rendering a signal service to the country.

Sir, the crucial question that has been brought forward by the Commission is whether private landlords should stay or not. It is urged that landlords have been found wanting in many spheres. Sir, it is not uncommon in Bengal as elsewhere to meet with extravagant, wasteful and unimaginative landlords. It may not be an untrue

that mismanagement runs rampant in some of the big
But the institution of private landlordism which is bound up with Bengal's social and economic system is entitled to closer examination, and it is not unprofitable to devise ways and means to make the existing land-system vigorous and useful.

Sir, if private landlordism has failed, State-landlordism has also failed in Bengal. An examination of the condition of *raiyats* in *khas-mahal* areas makes us hesitant to substitute State-landlordism for private landlordism. The Floud Commission has not considered this aspect of the question and has, without close examination, recommended purchase of zamindaries without fastening responsibilities of good management on Government. It is very painful when Government turns out to be an unimaginative and irresponsible landlord, for there is no escape therefrom. Sir, oppressions of private landlords can be checked; mismanagement in private zemindaries can be remedied; but when Government function as a bad landlord, the country is doomed and ruined. The Commission suggests no scheme whereby the abuses of State-landlordism can be guarded against. That is most regrettable. Sir, mere change of ownership does not bring in the desired millennium. If it were so, the *khasmahal* areas of Bengal which are State-owned and State-managed zemindaries, would have flown with plenty and happiness. But the *khasmahal* areas carry the grim lesson that in the matter of agricultural prosperity, it is the policy of management that is more effective and important than the question of ownership. In the whole report there is no evidence that the Land Revenue Commission was at any stage troubled with the thought that the need of the hour was a bold agricultural policy and not necessarily the transfer of the ownership of lands. In the discussion of the land problems of the province the Commission has subordinated the interests of land to the interests of the occupiers of land. This is unfortunate and contrary to sound principles of agricultural economics. Sir, I stand for a land-system which is related to the interests of agriculture, and the whole agrarian question should be discussed in the background of the fundamental postulate—how to improve the interests of land.

Sir, it is found that the majority of the members of the Commission have recommended the purchase of zemindaries and tenures. It is interesting to find that they have reached this conclusion without valid reasons. In this connection, and while on the subject, I would like to say that in the whole report it has not been made clear what was the original scheme of the Permanent Settlement and how far later amendments had modified the said Settlement. It is relevant to know all this in order to ascertain correctly and without bias how far the original intentions of the framers of the Permanent Settlement have been frustrated and to what extent the responsibilities lie on the subsequent legislative amendments. It is well-known to the students of

land revenue history that the original scheme of the Permanent Settlement has been altered beyond recognition and that much of the criticisms against the Settlement have arisen from the fact that unscientific arrangements have been introduced by the later tenancy legislations as the result whereof the landholders have been reduced to the position of mere rent-receivers.

Then, Sir, the Commission has admitted that if fair compensation were given to zemindars, there would be practically little financial gain to Government, at least so long as payments to landlords will continue. Mr. Gurner has emphasised that financial gains from the State-purchase are problematical. The Land Revenue Commission realised the immense financial difficulty of carying out an operation of such magnitude. The Commission has, however, recorded that the ultimate causes of agricultural decline are not connected with the land-system. It was also agreed that the scheme of purchase would bring about a revolution in the social and economic life of Bengal. Still, the State-purchase of zemindaries was favoured. The State-purchase does not involve any financial gain to Government, nor is it related to the improvement of agriculture. It is also well-known that under State-management the rights of *raiyats* cannot and will not expand as they do under private landlords. If the State-purchase is beneficial neither to Government nor to agricultural land nor to *raiyats*, and on the other hand if it will revolutionise the social and economic structure of Bengal, the case for nationalisation of agricultural lands gathers no strength. On the Commission's own analysis of the economic defects accelerating the agricultural decline of the country, it is found that desirable and effective reforms could be carried out within the framework of the existing zemindary system; on a review of the defects in the tenancy laws it is also found that the zemindary system could be made more useful and helpful by necessary amendments in the right direction. But the Commission has ignored its own remedies and recommended State-purchase without showing how the situation will improve under the *khasmahal* system of management.

Sir, under a scheme of State-purchase, there is an apprehension that Bengal's money invested in its own land may run to the industrial enterprises of other provinces and that it may also be dissipated in idle and reckless speculations. Such a loss together with the unemployment of a vast number of people, directly or indirectly employed in private zemindaries, will help the growth of subversive forces in the country which will not be to our abiding interest. These various repercussions should be more closely examined before we agree to substitute State-landlordism.

The fact may not also be overlooked that the State-purchase will saddle Government with numerous responsibilities and if Government are really serious that they would undertake all the responsibilities of

State-management of zemindaries in the interest of agriculture, I would not stand against the policy of purchase with a fair rate of compensation to the interests affected. In this connection, the observations of Mr. C. W. Gurner are worthy of special notice, and it is a very sound criterion that in the matter of purchase we shall see that the landlords affected get justice and fairness.

Sir, State-purchase has no meaning if it does not conduce to effective improvement of agriculture; if it is a mere cover to replace private landlords without any regard for the interests of agriculture, it is at once useless and harmful. In the absence of any constructive scheme which the Government would adopt as landlord, it is a legitimate apprehension that the Floud Commission made the recommendation of State-purchase without hard thinking on the question.

Sir, the Commission came to the finding that rent-rates are lowest in Bengal; it also came to the conclusion that the methods of realisation of rents are unsatisfactory and that they are to be improved. The first finding proves that landlords do not rack-rent their *raiyats*, the second conclusion shows that private landlords are functioning under the severest handicap. The Commission admits that landlords do not charge any high rent from *raiyats* and that agricultural decline is traceable to causes unconnected with the land-system. In the circumstances, the logical conclusion is that Government should bend its efforts towards improving the existing land-system and in devising ways and means so that private landlords may function usefully.

But the Commission makes recommendations in disregard of the facts marshalled, and accordingly it suggests no scheme for the improvement of the existing land-system. This is most unfortunate.

Sir, on the *barga* question Mr. Gurner has observed that there is perhaps no other feature of the agrarian system on which the views of Settlement Officers differ so very widely. He, however, quotes Khan Bahadur Abdul Momin (a member of the Commission) who says that "there is no fault in the *barga* system. In fact the *barga* system is really an economic gain" and adds "I do not think there is any justification for forcing so-called legislative protection on *bargadars* who do not want it and making them tenants". Sir, the observations of Mr. (now Sir Frederic) Sachse, another member of the Commission, in the Mymensingh District Gazetteer, at page 69, is also to the same effect. Sir, the *barga* system is very old in our country and has been in existence probably since the time of Manu and Jajnabalkya and Kautillya. It is a very popular system and it is spreading due to various economic and social factors. If *bargadars* are clothed with occupancy-rights, the very merit of share-tenancy will disappear. An occupancy-*raiyat* can neglect his cultivation so long as he pays his cash rent. But in *barga* system, landlords and *bargadars* are joint partners, and if *bargadars* neglect, both the partners suffer. In such a scheme of

share-tenancy, there is no case for endowing the *bargadars* with occupancy-rights, and, in fact, that will be suicidal for agriculture. In this connection, Sir, I wish to draw the attention of the Government to the excellent observations made by Sir N. R. Chatterjee, an ex-Judge of the Hon'ble High Court in answer to questions 32 and 33 of the questionnaire printed in Volume VI of the Floud Commission's Report.

Sir, the Floud Commission makes a proposal to tax agricultural incomes in Bengal. This proposal is not in any way related to the improvement of the land-system. That is purely a taxation measure to be judged on its own merits. But an impression has gone abroad that the imposition of agricultural income-tax has something to do with the reforms in the land-system but it is not. The measure will, of course, cripple the resources of landlords, and it will do no good to the system. It is to be noted that within the present regime of reformed administration, landlords have suffered on various counts. The Primary Education Cess has been lately imposed in different districts, and landlords are fastened with the responsibilities of paying also the quota payable by the *raiyats*. The recent amendments in the Bengal Tenancy Act have taken away the landlords' transfer fee which was an assured income; the interest on arrear rents has been considerably reduced with pre-judicial effects on their incomes; all realisations and exactions from the *raiyats* beyond their specified rents which were permitted through the force of customs and usages have been stopped. Landlords and other persons who carried on loan transactions have been vitally affected by the Agricultural Debtors Act and the Bengal Money-lenders Act. The frequent occurrence of famines and floods and the low prices of agricultural produce have blighted the countryside. On the other hand, the Sales Tax Act and the Bengal Finance Act have undoubtedly improved the budgetary position of the Government. In view of the crippled resources of landlords and the improved financial position of the Government of Bengal, there is hardly any case for the imposition of income-tax on agricultural incomes. There is a fallacious belief that the landlords of Bengal intercept a large income. But because of the growth of tenures which have given rise to the middle-classes in Bengal, the dividend from land is distributed amongst a great number of persons. All this has narrowed down the *per capita* income with the result that the gains from such a tax cannot be so considerable as to justify a new taxation measure.

Apart from this, there are landlords of certain areas, especially of Western Bengal, who are highly assessed and whose ineffective powers of realisation have made their situation already critical. It will be most unfortunate if they are threatened with further taxes leading to their complete ruination.

Sir, in case, however, the Government decide to impose the tax, then Government will have the satisfaction of being able within a short time to bring to sale almost all the estates, especially in West and

South-West Bengal and purchase them, and thus, if they so desire, they will be able to get rid of the Permanent Settlement in an indirect way. May I enquire if this is really the object behind?

The Bengal Land Revenue Commission which was specifically asked to suggest remedies for the improvement of the land-system went beyond its allotted scope in recommending taxation on agricultural incomes in Bengal. The repercussions of the measure on the land-system have not been examined by the Commission. This is a hasty recommendation which takes away the seriousness of the Commission's report.

With these observations, Sir, I thank the Government for giving us an opportunity to express our opinion and I hope the Government will be pleased to take note of what we say.

Mr. J. B. ROSS: Mr. President, Sir, it is never considered good manners at any time for a mere man to disagree in public with the opinions expresed by a lady; but I am afraid that in the present case circumstances force me into that position and I can only hope that my honourable lady friend will grant me her indulgence.

Sir, the European Party have given very careful consideration to the report of the Land Revenue Commission, and I desire to place before the House briefly our conclusions and the reasons therefor.

Generally, our opinion in regard to the main recommendation of the majority of the members of the Commission for State acquisition of all rent-receiving interests down to the last cash-paying under-*raiyat* is that it is impracticable and will serve no useful purpose. In considering the report, we have examined this proposal from four aspects, namely, the financial aspect, the aspect of the cultivators, the social and economical aspect and the political aspect. Naturally, the financial aspect looms largest and I will give you our views on this first. We consider that we are not overstating the case when we say, as we do, that the State cannot make any profit out of State acquisition if it pays a fair compensation to the rent-receiving interests. It is perfectly clear that if profit is anticipated or is made by the State, such a profit can accrue only at the expense of the rent-receiving interests. I was greatly surprised the other day to hear my respected friend Khan Bahadur Naziruddin Ahmad give it as his considered opinion that no compensation should be paid at all, but that the methods employed by the Nazis in Poland should be copied in dealing with the landlords in Bengal who hold lands under the Permanent Settlement. He had to admit, however, that, thanks to the perspicacity of the authors of the Government of India Act, there was a legal bar to such expropriation and that some compensation must be paid. It was left, however, to my other respected friend, Khan Bahadur Saiyed Muazzamuddin Hosain, to put forward a figure, namely, 5 years' purchase, and I have a shrewd suspicion that he was inwardly ashamed of having put forward such a suggestion. On a

five years' purchase, the State would conceivably make a profit on the transaction but a profit which would be the result of bare-faced piracy. I wonder if my friends on the left have ever considered their reaction to any possible action by the authorities in time of war to the effect that their houses or dwellings were required for Government use and that Government proposed to acquire them on payment of five times their annual rental value. I rather imagine that they would call on high heavens to witness a monumental injustice when their own tenets were applied to themselves. Sir, our views in regard to the payment of compensation are very definite. Whilst we do not agree that acquisition by the State is practicable or advisable, we are of opinion that if social and economic stability, which is based largely upon the principle of sanctity of contract,—a matter on which I anticipate my friend to my right will disagree with me—if social and economic stability is to be preserved and if State acquisition is to be carried out without permanently embittering a large section of the people of the province, then a fair compensation must be paid. The figures of 10 or 12 years' purchase we consider as grossly inequitable and we do not admit that even 15 years' purchase is a fair figure. We would go so far as to say that compensation should be assessed at a figure which will bring to the party which is dispossessed approximately the same income, at current rates of interest on gilt-edged investments, as he is at present in receipt of from the land. Well, Sir, so much for compensation.

We have now to look into the effect on the finances of the Province which the assumption by Government of a liability of this nature will entail. We are of opinion that the calculations of the Commission are incomplete in that they have not taken into account, firstly, cash-paying interests below the *raiyat*; secondly, extraneous factors such as fall in stamp revenue, purchase of *wakfs* and *debuttars* at 25 years' purchase, and loss of landlords' share of the cesses. We hold the view that nothing is to be gained by State acquisition, unless it takes in every interest except that of the actual cultivator. Our reasons for holding this view are that the defects of the present system and any exploitation which takes place exist mainly in the lowest stages of the land-tenure system. In his speech a few days ago, the Hon'ble the Revenue Minister expressed the view that if State acquisition is to be carried out to the lowest cash paying tenant, the annual loss to the province for a period of 60 years would be—

At 10 years' purchase—Rs. 60 lakhs.

At 12 years' purchase—Rs. 136 lakhs.

At 15 years' purchase—Rs. 333 lakhs.

If these figures are correct, then it will be seen that on the basis of a fair compensation the minimum annual loss to the Province would be Rs. 3 crores and 33 lakhs, and I have heard no suggestion from my

friends on my left as to how they would propose to finance this annual drain on the resources of Bengal. These figures alone demonstrate the financial impracticability of the scheme. It might be suggested that Government could recoup the loss by enhancing rents. This would be against all the precepts of the Coalition Party and I propose to deal with this matter when discussing the political aspect.

I now come to the cultivators' aspect. It is without doubt a fact that most of the advantages which the majority of the Commission claim will accrue from State acquisition can be provided for under the existing laws without the necessity for such acquisition. Government is already in direct contact with the cultivator through its district officers. State acquisition will not bring it into closer contact with the cultivator. The Permanent Settlement and the existing system of land tenure do not constitute any bar to legislation for agricultural improvements such as jute restriction, fixation of fair rents and other general measures for the improvement of the lot of the agriculturists. Neither the removal of the Permanent Settlement nor State acquisition, as recommended by the Commission, will enable Government to legislate for such advantages as consolidation of holdings and restoration of economic holdings until the laws of inheritance are modified, a matter on which the Commission declare themselves unable to make any practical recommendation. In our view this question should receive the prior consideration of Government.

This, Sir, brings me to the social and economic aspect. A very large proportion of the middle-class population of Bengal have money invested in small plots of land. Almost every Babu in every office in Calcutta has some interest in land in the district in which he is living. The desire of my party is to draw the attention of Government to the fact that State acquisition is bound to bring distress to this class of people. On the most generous terms possible, they will receive comparatively small sums as compensation. Their anchorage in the land will be severed and unless they are able to re-invest their money in land by buying themselves in at the bottom thereby displacing somebody else, they will either dissipate their money or speculate in ventures of which they have no experience and thus in many cases lose their small capital. The social effects of the Commission's proposals will, therefore, adversely affect the economic position of a large section of the people of Bengal without any corresponding advantage either to Government or to the cultivator.

I will now, Sir, deal briefly with the political aspect. As I mentioned a few moments ago, Government as landlords will not be in a position to enhance rents to cover their losses. Their supporters will take care of that. From the political point of view, it is more likely that Government will be forced by their supporters to fix low rents in perpetuity and to reduce rents generally. We hold the view that unless

Government exploit their position as landlords by enhancing rents where necessary, there will be a continuing loss to the province. But will a Government elected largely by the tenants themselves be able to face the Legislature with any such proposal and with any prospect of success? I doubt it. On the contrary, they will inevitably be subjected to political pressure for remissions and other concessions and their position in regard to recovery of rents will be unenviable.

I therefore reiterate, Sir, on behalf of the European Party, our view that the proposals of the Commission for State acquisition of all rent-receiving interests and the abolition of the Permanent Settlement are not only impracticable but highly undesirable for the reasons which I have already stated.

Dr. RADHA KUMUD MOOKERJEE: Sir, in offering to make a few observations on the Report of the Land Revenue Commission, I wish it to be understood at the outset that the views I may be expressing will be my own personal views and that they do not represent the views of the party to which I have the honour to belong in this House. I may go further and say that the views that I have been able to form on this very complicated subject have been based upon a dispassionate study of its facts and figures in the spirit of a scientist. I, therefore, propose to speak here only in terms of certain facts and figures that are admitted.

I take it that we are all agreed that we are out to achieve real agricultural reform which will have the result of ameliorating the condition of the toiling tillers of the soil. Now, I should like to put the horse before the cart and to place before the House a picture of the actual factors which depress agriculture. Supposing, we carry out a completely revoluntionary scheme like the abolition of the Permanent Settlement and convert the whole of Bengal into one big *khasmahal*, then what will be the result? There will be no prospect for successful agriculture except on the basis of economic holdings. Now, the Commission has already given before the public certain unanswerable facts and figures based upon the census reports. The fact of the matter is that if the whole cultivable land of Bengal is thrown open for a fresh settlement, how are we going to tackle this business? You will find that there is only available ·8 per cent. of an acre per head of the agricultural population of Bengal. At the same time, we know that the size of an economic holding must be at least 5 acres and therefore if we have really got a blank slate before us upon which we can scribble whatever we like under the inspiration of our theories, the question is, where is the land available? And how are the prospects of successful agriculture to be assured? That is the first question I want to put before you, Sir. Now, I do not know how, even if by the adoption of this extreme measure by which we shall have a blank slate to write

upon, agriculture is going to be reformed and rehabilitated? Secondly, some of the previous speakers have referred to the other factor of agricultural prosperity, namely, that not merely must there be in the country economic holdings, there must also be a system of consolidated holdings and collectivist agriculture, because modern agricultural science is entirely based upon collectivism and on holdings of a much larger size than the minimum economic holding. On the contrary, we have found by investigation of the facts of agriculture that it is practically impossible even to stop the indefinite fragmentation of the small holdings which are now owned by or are available to the cultivators. Some of my friends, on the other side, know that Islamic law is very strict about inheritance. It will never give any scope to the operation of proper economic laws for achieving success in agriculture. My friends will never be prepared to stop the process of fragmentation of holdings in accordance with their laws of inheritance. Therefore, I say that the very basis of agricultural prosperity is lacking and I for myself do not know how a change in the land-system of the province can really provide the fundamental basis upon which agricultural prosperity will always rest according to the immutable scientific laws.

Now, so far as the Bengal peasant is concerned, the Commission has come to a unanimous finding which I shall just read out in their own words: "The level of rents obtaining in Bengal is the lowest in India." My point, therefore, is that the existing land-system has resulted in the lowest possible rent to the cultivator and over and above this the existing land-system has been strictly consistent with the transfer to the cultivator of all rights of an absolute proprietor except only the obligation to pay rent to a superior landlord. Now, the right of unrestricted transfer of holdings, for instance, is a very important right which is indicative of the substance of proprietor's rights. The United Provinces peasantry is very remote from the enjoyment of this precious right which has been given in Bengal to the peasant. Then, we have recently given the occupancy-right, the abolition of *salami* and all other things, some of which were supposed to be very doubtful, by a stroke of our pen,—by means of legislation. We have already endowed the peasantry of Bengal with all possible rights and the other provinces are lagging far behind in the matter of transfer of these rights of proprietors to the poor down-trodden peasants. So, from this fundamental fact we see that the peasants of Bengal are very much better-off so far as the amount of rent is concerned. They practically pay as rent only about 1/15 or 1/16 of the produce, whereas under the State-landlordism of Madras, the level of rent is at least 3 to 4 times and the Punjab land system is based upon a rent of half of gross produce. In the United Provinces also matters are not very favourable for the peasant. Therefore, the position is this that the Bengal peasant is equipped with all the advantages for achieving success in agriculture. He has to pay the lowest possible rent. He has been endowed with all

the rights, with all possible opportunities, so that his liberty of action is not fettered in any way. But still why does he fail to be successful in agriculture? He fails because he has to operate on holdings which are inherently incapable of producing any profit. I, therefore want those who are supporting a change in the land-system, first to make it quite clear by what procedure they will run Bengal's agriculture on the basis of economic holdings giving scope to modern ideas regarding consolidated holdings and collectivist agriculture.

Another factor is very depressing to the cultivator, with which the land-system has nothing to do. The cultivator has to remain workless for more than half the year.

Who is going to feed the agriculturists in the off-seasons of agriculture? What future can there be for three crores of population which is without any employment for more than half the year? How are you going to apply the proper remedy to this fundamental depressing fact of agriculture? Now, the only scheme that should be able to cope with the situation would be to provide more avenues of employment to the agriculturists who are out of work and that will lie in the domain of industry—the village handicrafts. It may be said that large industries will come to their rescue, but do you mean to say that 3 crores of people can be easily transferred to the jute-mills in and around Calcutta and to the tottering cotton mills, or to the other great industries of Bengal namely, the tea and sugar industries which are yet to make a proper beginning? Where are your large and heavy industries in Bengal, which can stand on their legs, and even if they were able to, how could you think of dealing with such a large drift of agricultural labour towards urban areas, the centres of your industrial development? No, Sir, the problem is that you must bring work to the door of the villager, to his cottage, and you cannot transplant to urban areas the poor villager who is rooted to the soil of his village and to which he is bound by so many social ties. It is impossible to uproot the villager from his natural setting and surroundings. Therefore, Government is bound to think in terms of small industries, small village industries, cottage industries, the domestic handicrafts, which can be plied in their homes by the peasants during the off-seasons. In the days of Permanent Settlement, I find from the records that there was also a balanced development of agriculture and industry in the country. I will just read out one or two observations on the subject. In 1787 the exports of Dacca muslin to England amounted to Rs. 30 lakhs. In 1817 that ceased altogether. The arts of spinning and weaving which have for ages afforded employment to the numerous industrial population have now become extinct. The great historian Lecky says that at the end of the 17th century great quantities of cheap and graceful Indian calicoes, chintzes and muslins were imported into England and found such favour that the English woollen and silk manufacturers were seriously alarmed.

Accordingly, Acts of Parliament were passed in 1700 and 1721 absolutely prohibiting the use of printed and dyed calicoes in England either in dress or in furniture.

Now, Sir, what had been the policy pursued by the East India Company with reference to the indigenous handicrafts in the province? In a letter issued by them on the 17th March, 1769, the growth of raw silk only was encouraged in Bengal; but manufacture of silk fabrics was discouraged by law: silk was manufactured, but the silk winder was prohibited from working in his own home. Then, Sir, a Select Committee of Parliament went into the matter and the Select Committee made——

Mr. PRESIDENT: May I draw the attention of the honourable member that he should assume that the honourable members of the House have read the report from which he is quoting.

Dr. RADHA KUMUD MOOKERJEE: Sir, I am not reading out the report. But I am simply explaining how the handicrafts of Bengal have declined——

Mr. PRESIDENT: Decline of handicrafts is not the subject-matter for discussion now. So, I would request the honourable member to come to the point.

Dr. RADHA KUMUD MOOKERJEE: Sir, my point was this: that in the old days when agriculturists were out of employment for more than six months in the year, they used to ply the handicrafts of the country which were destroyed under the stress of a policy which was not quite national. That was the only point I wanted to urge.

Supposing now that we buy up all the rent-receiving interests of Bengal. In that case the State will have to deal with the actual cultivators—the toiling tillers of the soil. Now, Sir, what is the definition of "cultivators"? I have found it on record that a cultivator may be a person who does not cultivate, because even if the State has direct relations with a cultivator, it cannot guarantee that he will cultivate and take to the plough himself. It is impossible to avoid subletting in agriculture, as in other economic spheres. Subletting is always profitable. The cultivator may have too much of land for himself so that he may not be able himself to cultivate all the lands that he owns and will be forced to cultivate some of his own lands by means of hired agricultural labour. So that, strictly speaking, in pure consistency, we should say that it is impossible to find an actual cultivator in the picture. It will always be that the so-called cultivator has to supervise his cultivation and to see how he will be able to employ hired labour for the purpose of successful cultivation. So, the question has

to be faced, for whom are we legislating? Is it possible to guarantee that there would be no class of rent-receivers in place of those who may be superseded temporarily by means of a violent legislative process? (Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes.) My point is: it is impossible to abolish the system of rent-receivers. I may say that on this point very valuable evidence was given by men of authority like Mr. Robertson and Mr. Nelson, and many other experts to which the honourable members of the House can easily refer. My point is, it is impossible to create a race of pure cultivators who would busy themselves only with the plough and would not be rent-receivers.

Now, Sir, I come to another main point which was not before the Commission so much, but a point which has been urged by the Government of India. In the opinion of Sir John Russels who was specially brought out as an expert by the Government Agricultural Council, the most serious of difficulties which confronted Indian agriculture was the lack of an agricultural aristocracy and of an educated agricultural middle-class. The point is that agriculture is such an important national key industry that it cannot be consigned to the care of an illiterate uninformed peasantry.

There is no future for agriculture unless it is directed by proper scientific knowledge. Therefore, in the opinion of this expert, who was imported by the Government of India, the case for Indian agriculture must be looked at from this point of view. It is time that scientific knowledge be applied to agriculture and agriculture should not be left to the tender mercies of people who are unable to apply the latest methods of science. Now, from that point of view, I think that merely to have a reform which will consign agriculture to the care of an uneducated and incompetent body of cultivators, will not at all bring food to these toiling tillers of the soil who are multiplying to an extent which makes the soil unable to bear the pressure of population. There is the operation of those irresistible laws of Nature which will bring to naught all our well-meant reform.

Now as regards the terms of State purchase, previous speakers have stated that if there is any idea of compensation, perhaps the terms proposed are somewhat hard. I am standing up here for the cause of the poor agriculturist, the poor rent-receiver who has an income of Rs. 100 from land. He will be bought off by payment of Rs. 1,000. Now, at 4 per cent. he will now get Rs. 40 instead of Rs. 100 and therefore the extent of expropriation to which he is subjected you can imagine. Now, supposing the Government really goes for acquisition, compulsory State acquisition, on the basis of ten years' purchase, I wish to raise a general point as to whether we shall adopt as an established principle the acquisition of all properties. (Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Certainly not.) I do not see the consistency of speakers who say that one class of property will be treated

in one way and other forms of property will be treated according to their urban ideas of property. I wish to put a frank question to my European friends who have put the case, in my opinion, on a very reasonable basis. Supposing, a jute-mill has to be nationalised, how are you going to achieve the valuation of the concern? Will it be 10 years' purchase? (A VOICE: No.) Well, the process of nationalisation might just begin and might have to be extended in the new world order that we are envisaging. So, I wish to raise a warning. (Mr. HUMAYUN KABIR: What about England?) I mean to say that there should be one uniform principle of acquisition. My point is this: that if you apply in one sphere of private property some ideas of compensation, you must be prepared to apply that idea mercilessly to all other spheres of private property. (Mr. HUMAYUN KABIR: Consistently but not mercilessly.) I say mercilessly because the interest of the State is paramount and individual property or individual interest must go to the wall. The State can be merciless because the State exists for all. So, what I meant to say was this that when you think of State purchase, you think that you are real dealing with a small class of people. I have calculated that there are only about 700 landlords whose income amounts to Rs. 8 to 10 thousand per annum and above; only 700 landlords out of more than 3 crores of population living on land. Now, you dispossess them of their properties with or without compensation. I do not care for their fate, the fate of a handful of landlords. But what about the vast mass of small proprietors who have invested all that they have in land which they have been trying to build up in their own way and according to the facilities for agricultural improvement which Government has placed at their disposal? Now, the question is, are you going to embark upon a scheme of expropriation which will make a man who was getting an annual income of Rs. 100 from his investment on land content with Rs. 40 only? If we all agree as to some principle of compensation in the case of compulsory State acquisition, I should like to say to the House that the Government should be prepared to apply that principle in all spheres, they must go the whole hog with the scheme and should not have inequality of treatment and a kind of biased view in differentiating and discriminating between different classes of property.

I like to say only one word more and I have nearly concluded. What I wanted to say is this. Merely changing the land-system will not do. First of all, a well-planned scheme for the improvement of agriculture should be prepared. I shall just conclude by giving you a picture of Japan. Japan's agriculture is in a bad condition and is not at all in a more favourable condition than Bengal's agriculture. The official report states that Japan is a country of "many men on little land" and their economic holdings are getting smaller and smaller. Therefore, I say that unless you can assure yourselves of the fundamental conditions upon which argriculture could be successfully

pursued, unless these conditions are forthcoming, the condition, namely, that you should assure to every cultivator of an economic holding and see that he can maintain his economic holding against all rights, unless you can assure to the cultivator private work by which he can supplement his earnings from agriculture,—which does not give him work throughout the year,—unless you can equip the cultivator with the necessary modern appliances, the land will not respond to the application of labour and capital invested in it. There is the law of Diminishing Returns. Unless the prospects of intensive cultivation by scientific methods are assured to the masses, unless all these fundamental factors are assured, there is no prospect for Bengal's agricultural improvement.

Now, so far as the Government is concerned, no doubt they are also lagging behind in the matter of creating conditions for the progress of agriculture. There is need for more seeds. Government have not yet been able to organise a comprehensive seed-supply service with adequate means. For instance, for the needs of 20 million acres of paddy land in Bengal, there are only 450 seed-farms. This is really leaving the agriculturist to his fate.

Then about irrigation. One piece of statistics will satisfy you. The proportion of the area irrigated in Bengal to the total area sown is only 7 per cent. as against 54 in the Punjab, 30 in the United Provinces and 28 in Madras. (Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: That is the difference between State-managed and private zemindaries!) Well, so far as State-landlordism is concerned, it is only to the extent of 2/3rd. The Governments of Bihar, the United Provinces and Madras have never even broached the proposal of abolishing the Permanent Settlement. They have only introduced agricultural income-tax. One of my friends here was twitting me saying that I have personally gone against the doctrine of the Party to which I have the honour to belong. Sir, Congress Governments have placed many reforms on the Statute Book. In all their voluminous legislations they have never said anything about the abolition of the Permanent Settlement. They have taken great pains to improve the lot of the down-trodden tillers of the soil. In some cases they have simply followed the lines laid down in the Tenancy legislation of the Bengal Government. And even there they are lagging far behind. I do not like to say more. I thought that perhaps very few people would read the report of the Land Revenue Commission and so, I took the liberty of placing some of its salient points before the House, and of explaining all their bearings and implications.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, I do not want to take more than 10 minutes of the valuable time of this House after the great harangue that we have just now had from the learned doctor. I do not think that he has rightly stated what is the policy of the

Congress Governments when he says that the Congress is not committed to the policy of abolishing the Permanent Settlement. Sir, I may say that the policy of the Congress is nationalisation of lands, and I can challenge anyone to contradict me that that is not so. The question is not the acquisition of this man's right or that man's right or the rights of the zemindars, but the question is whether to accept the principle of nationalisation of lands, acquisition of rights in land of all descriptions. (Dr. RADHA KUMUD MOOKERJEE: Yes, nationalisation of all properties.) Why was it then that the Indian railways which were private properties, properties of mostly British shareholders were nationalised, why is it then that the Government of India and many Governments in Europe and in fact all the civilized Governments have accepted the basic principle that the transport system of civilised countries must be nationalised, why is it that the electricity service of Calcutta is being sought to be municipalised and why is it that the transport service, namely, bus and tram cars of the leading cities of the world have been more or less municipalised? Because, when you municipalise transport and electrical services, you at once bring them under the control of the representatives of the citizens and work them for their benefit and not in the interest of shareholders. The question as to whether the compensation should be ten times the value or 15 times the value—that is a very minor question. That can be settled either by arbitration or by the people who introduce this nationalisation. I have read the Floud Commission report many times and also most of the available literatures on the subject of the Permanent Settlement of Bengal; but nowhere do I think I have found this principle enunciated in the report clearly and unequivocally that the land-system in Bengal should be nationalised. When you nationalise the land-system, the primary source of wealth and foodstuffs, the Directors and High Commanders of the Nation will sit together and decide what proportion of the price should be paid to the *bargadar*, the landlord, to the under-*bargadar*, to the non-tiller of the soil and lastly the actual farmers. It must be decided with regard to the question of the letting out of economic holdings as to what rent different lands or plots can bear. What necessary improvements have to be done to the land? This scheme of nationalisation in my opinion, is better than peasant proprietorship which imposes great responsibilities on poor peasants liable to be looted on this or that pretext. You may say that the State acquisition of all lands and of all rights from zemindars to *raiyats* may end in financial loss; yes, taking individual holdings it may result in a loss. But, you may find that the Bengal Duars Railway or Darjeeling-Himalayan Railway, for example, when they become State Railways, might not bring in net revenue, but taking all the Railways in India, as a whole, you will find it profitable. The East Indian Railway has been giving good profits. Similarly, the district of Rajshahi, say, may be unprofitable but when you

acquire the lands in all the districts, you will find that the profit and loss balance and good surplus will be found. Complete acquisition will bring in satisfactory revenue to the coffers of Government. Sir, there is a wrong impression abroad that Bengal is not suitable for industrial expansion and that Bengal is only an agricultural province. I refute that complaint entirely. People who know will no doubt agree with me in this respect, and I may tell the House that from the *blue books* published by the Government of India something like 18 crores of rupees are paid as wages to industrial workers in Bengal alone. This wage bill will quadruple by rapid industralisation of Bengal with its vast wealth of splendid varieties of raw materials, cheap fuel like Ranigunge coal, cheap river and rail transport and inexpensive labour. Take the jute and cotton mills, take the iron and steel factories, take the steamer and transport services, the collieries, the tea gardens, etc., if you take all these industrial as well as commercial concerns, you will find that the workers draw in wages from these concerns, amounting to 18 crores of rupees, at Rs. 200 *per capita* of about 900,000 employed in those concerns. Therefore, this talk of the lot of the agricultural classes alone is all wrong. Sir, it has been said that the decay of cottage industries is due to political causes. It is surprising that these sorts of things should be indulged in. I have read old records in the India Office and in the British Museum and noted that Manchester has more or less benefited India by introducing machine-made cloths at low prices. I may also say that I read in Cossimbazar Raj old records of 1846 with regard to the dearness of hand-made cloths of small widths and short lengths used by our ancestors at fairly high prices.

Mr. PRESIDENT: Order, order. Mr. Roy Chowdhury, come to the relevant point.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, I want to answer the points raised by my friend Dr. Radha Kumud Mookerjee who spoke about the decline of the Dacca muslin industry——

Mr. PRESIDENT: Order, order. The subject-matter of the discussion is the Land Revenue Commission report and the honourable member should discuss relevant points from that.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, my point is that unless you improve the industries of the province, after the abolition of the Permanent Settlement there will not be any economic gain. You will be surprised to note that in the year 1846——

Mr. PRESIDENT: Order, order. Come to the relevant point.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, I will take only one minute——

Mr. PRESIDENT: You can take 10 minutes if you like but please speak on the relevant subject.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: All right, Sir. With regard to nationalisation of land, my own humble suggestion is that unless you accept the principle of nationalisation of land, that is State acquisition of all the interests in land, there will not be much benefit to the masses. If you want to save the tillers of the soil from ruin, you must nationalise the land. Then, Sir, with regard to the wages of workmen in State employment, they are very reasonable. The wages of the workers in the State Railways, for example, are reasonable. If you take other workers in Government service, they do receive a living wage. Government may devise a system whereby the *raiyats* may work as wage-earners in Government farms and gardens and live much more comfortably than they are doing under the present system. Then there will be no question of oppressive legislation nor any question of enhancement or reduction of rents by the State thereby creating financial chaos. I would strongly suggest that the land and the key industries and mines should be nationalised. The miserable lots of Bengal's hungry millions will disappear when that is done.

Mr. SACHINDRA NARAYAN SANYAL: Sir, I rise to take part in this important debate with great misgivings. This is to a large extent due to the reticence on the part of Government in dealing with such an important problem. The Floud Commission was not set up under happy auspices and the way in which its size was made bulkier from time to time on political considerations, caused great resentment not only among its members but also in the public forum. On the top of this the Gurner enquiry was conducted in a manner which leaves much room for public criticism. Then again, the Government have not cared to take the public into confidence by placing their views before the Legislature. In spite of these handicaps, I propose to make a few observations on this issue.

Sir, three A's represent the salient features of the Floud Commission recommendations and the Gurner Report. They are (1) abolition of Permanent Settlement, (2) assessment of compensation payable to land-owners, (3) agricultural income-tax. So far as the first point, *viz.*, the abolition of Permanent Settlement is concerned, I beg leave to state that it cannot be done by a single stroke of pen. Sir, 1793 to 1941 is a far cry and what has been done in one and half a century cannot be undone in such a perfunctory manner. I do not deny that there is ample scope for improvement of the agrarian policy, but this should

be done by mutual adjustments and co-operation, so that the outcome may be conducive to the welfare of the land-owners, the *raiyats* and Government.

This is why this question was not pressed in the election manifesto of the Congress which is undoubtedly the biggest nationalist organisation in India. In 1931 I had the honour to wait on His Excellency the late Lord Willingdon when an Address was presented on behalf of the British Indian Association. Sir, on that occasion a solemn assurance was given that the Permanent Settlement will not be abolished to the detriment of the interests of any particular class. Personally, I do not hold the view that Permanent Settlement should be retained at any cost because I feel that if a better substitute can bring prosperity to the nation, I would surely lend my whole-hearted support to that measure.

Under section 299 of the Government of India Act, adequate compensation is payable in all cases of acquisition by the State. It therefore follows that the land-owners will be eligible to get compensation in some form or other when there is compulsory acquisition of land by the State. There have been, Sir, various suggestions as to the scale of compensation. I will not commit myself to any fixed amount but would urge upon the Government to take into consideration the heavy investments that the landlords have made to acquire properties and to improve them. Those enterprising people who invest in guilt-edged securities get ample return for their investment. It is therefore equitable that investment on land should fetch similar return. If this cardinal principle of payment of compensation is ignored and the land-owners are penalised by payment of inadequate compensation, this will not only be interpreted as a turdy recognition of the financial and other sacrifices made by the zemindars but would mean that Government was not meeting out justice to a class or in other words was indirectly encouraging class warfare.

Now, Sir, the question of agricultural income-tax is a very big issue and requires much more study before its hurried introduction. The experiment which is being tried in this respect in the other provinces should therefore be watched before the tax is imposed in Bengal. The gross agricultural income of the zemindars is somewhat fictitious figure and there was a wide difference betwen the gross figure and the net amount realised by the land-owners. As such, it would not only be inequitable but a positive hardship if the proposed tax is based on a fictitious figure without taking into consideration the unrealised rents and cess paid by the landlords without ever being able to recover them. Already the zemindars have been subjected to a heavy indirect taxation as a result of different legislative measures and imposition of any further tax will mean their ruin. In these days we hear of many "Isms" in connection with the rights and privileges of the unfortunate

land-owning class, but I can definitely say that they are being reduced to a state of pauperism as a result of unjustified levy.

Sir, before I resume my seat I may state that I have kept an open mind in this matter and would gladly collaborate with any measure that is based on mutual adjustment and sympathy. The land-owners of Bengal have never lagged behind in their support to any popular and National cause and to the development of charitable institutions. The Indian National Congress in its infancy was nurtured by illustrious zemindars of this province like the late Maharaja Surya Kanta Acharya Choudhury, of Mymensingh, the late Maharaja Jagadindra Nath Roy, of Natore, the late Raja Narendra Lal Khan, of Narajole, and others.

Educational and charitable institutions have thrived in this province and beyond through the munificence of the Maharaja of Darbhanga, late Maharaja of Cossimbazar, Maharani Hemanta Kumari, of Puthia, late Raja Bahadur, of Dighapatia, late Nawab Abdul Gani, of Dacca, Raja of Chanchal and many others. I would not tire your patience by adding to this list but I would close by observations by only reiterating that the landlords have lived with and for the *raiyats* and will continue to do so. And they in their turn expect to be treated fairly and squarely. I would, therefore, implore my colleagues to approach this question in a dispassionate manner and not to be led away by allurements of cheap popularity. If this principle is acceded to in dealing with the problem before us, I feel confident that we shall be able to evolve a formula which will bring about lasting benefit to both the communities and the Government.

Khan Bahadur M. SHAMSUZZOHA: Sir, at the fag end of the day I rise to make my observations on the Floud Commission Report. Sir, much criticism has been levelled against the proposal of State purchase by my friends on the European side and also by my friends on the Congress side as well as by my friends of the Progressive Party.

Whatever may be the historical background of the Permanent Settlement, it is now admitted that its framers did a great wrong to the *raiyats*. It cannot be gainsaid that from time immemorial the State in our country was only entitled to a share of the produce from the land but was never its owner. Peasants who cultivated the land were its owners. Having regard to the vicissitudes which India or for the matter of that Bengal had to pass through, there arose the necessity for appointment of officers of Government for collection of the State's share of the rent. If we analyse the whole position of rent-collection, we find that an artificial law was enacted by the Permanent Settlement by giving the zemindars the title of actual proprietors and under that arrangement rent was reserved to zemindars and the term "revenue" was applied to that part of earning

from the land which in fact belonged to the State. The whole historical background of ancient land-system of the country was lost sight of and the real owners were wholly ignored. A pious wish was entertained by the Court of Directors of the East India Company in their famous Despatch that in making the Permanent Settlement Regulations the same conditions and considerations would be applicable to the tenants as would be applicable to the zemindars. It was distinctly stated in Regulation VIII of 1793 that the rights and customs of the tenants would be scrupulously maintained and safeguarded and the considerations that had been bestowed on the zemindars would and should be paid to the tenants. Although those considerations were not specifically and definitely enacted in the regulations, yet it was laid down in a general way that in their dealings with their tenantry the zemindars should observe those considerations which the zemindars received by the Permanent Settlement Regulations. That was the governing principle and the central idea. But latterly some legislation was passed soon after, which crippled all hopes of doing good to the tenantry and particularly State exigencies, I mean the financial exigencies of the East Indian Company which got the *Dewani* from the Moghul Emperor got the upper hand. The financial exigencies cut at the root of all the rights of the tenants. It is undesirable when the East India Company created the landlordships they worked only for their own interest: they did not look to the interests of the tenants. Now, Sir, after they had enacted the Permanent Settlement Regulation, the Company found themselves at the mercy of those landlords. They wanted that some money should come to their coffer year after year to carry on their wars and with this hope they made this enactment; but when to their everlasting regret they found that the new landlords were oppressing their tenants they did not come forward to help their tenants at the right moment. Moreover, Sir, by the process of time, from 1793, down to the date of appointment of the Parliamentary Commission which reported in the year 1812, and thereafter, the tenants were subjected to most harassing indignities and their rights and liberties were all curtailed, mutilated and destroyed. Now, by the provisions of Permanent Settlement enactments the landlords were given only the right to receive rents but in course of time by virtue of the State patronage they came to usurp those rights of their tenants which were valuable and inalienable. Then again, by a process of time, they came to exercise the right of ejecting *raiyats*, the right of choosing their tenants and also the right of enhancing their rent and created all sorts of *abwabs*. These were possible because the tenants were illiterate and unorganised. They did not know how to enforce their rights in the law courts because of the indefiniteness of their rights and in the absence of formal documents, namely, the *pattas*, which by the provisions of the regulations the zemindars were obliged to give. But unfortunately, *pattas* were not granted to the tenants. The tenants could

not enforce their rights successfully before law courts. And so this systematic exaction, and this systematic oppression went on for a very very long time till at last in the year 1859 some remedy was given. But still the ancient rights of the *raiyats* were not restored and many anomalies were created in the Act of 1859. There occurred many agrarian troubles and as a result of these, there was appointed the Commission of 1880. On that Commission were some eminent people who felt for the tenants. They distinctly stated it as their opinion that the Permanent Settlement was a mistake. In 1885 the Bengal Tenancy Act was passed which attempted to give some relief to the tenants. But even in that Act the right of enhancement of rents, and many kinds of liabilities and disabilities were imposed on the tenants. Thus, much that was derogatory to the rights of the *raiyats* got permanent recognition in the statute. These were all very galling to the tenants. In 1928 the right of getting *salami* was statutorily conferred on the zemindars by the Swarajist members of the old Legislative Council. Now, in the year 1938, we having come as representatives of the tenants of Bengal, have been able to provide some remedy that we could devise but we have been able to get only an iota, a very small portion of the rights of the tenants, restored.

Sir, we provided in the Bengal Tenancy Amendment Act that the enhancement should cease for some time at least and that the *salami* should be abolished. The Floud Commission was appointed at our insistence and the majority of this Commission are of opinion that the Permanent Settlement has done injury to the country, it has jeopardised the national system of finance, it has created a land revenue system which is stereotyped and is detrimental to the best interest of the country and is a source of financial loss to the State. It also creates a tendency on the part of the people to invest money in land in disregard of other national concerns, *e.g.*, development of industries and other resources of the country. It has been pointed out by our revered friend Dr. Radha Kumud Mookerjee that there is no plan or system for improving the economic condition of the people. He questioned "Is there any plan by which the Coalition Party can improve the economic condition of the people?" He also has been at pains to say that there is fragmentation of holdings and there is a great pressure of population on the land and that there will be practically no benefit unless we can give a concrete scheme for improving the economic position of the people. Sir, it will not do only to criticise the present condition or the Coalition Party or the party's programme. It would have been more valuable if he could give us some concrete suggestions of improvement. Some suggestions which he tried to give are of a nature which will not really solve the problem and do not touch the problem directly under consideration. The main problem is whether the Permanent Settlement should go and whether under the present constitution by which we are now governed, the province has been given the right to dictate

the policy of its land laws. That under the present constitution we have been given the right to dictate that policy is admitted. It is we who are to effect considerable changes in the administration. The question is: should we allow the Permanent Settlement to continue? The crucial point is what are the solemn pledges given by the East India Company to the landlords? Are they to the best interest of the whole province? We say they are not. Now, Sir, if we assume for argument's sake that under the present conditions the interest of the people should be looked after—if that be the idea to serve the people—and now ours is the Government of the people, for the people and by the people—then, Sir, our whole attention should be fixed on the economic uplift of the agricultural classes, and, if so, then I must say without hesitation that the permanent land revenue system must give way to a better system. The better system would be the restoration of the rights to those who would be the best to be in charge of agriculture. Now, because of the sub-infeudation of tenancies many men, namely, *bargadars*, under-*raiyats*, etc., have come to exist under the land economy of the country. There have been under-*raiyats* of different grades and also *bargadars*. Now, Sir, there has been a proposal that in order that there will be consistency in the acquisition there should also be acquisition of all rent-receiving interests.

Now, if that principle is accepted, Sir, as my friend has already hinted at, that will make agricultural economy a hopeless economy. Therefore, Sir, what would be the best solution? The best solution would be to recognise the right of the *raiyats* only. *Raiyat*, as has been defined in the Bengal Tenancy Act, is a person who cultivates the land himself or by hired labour or by partners. That definition was first enunciated in the Act of 1885. If we take our stand on that definition, then we should in most cases restore the rights to those persons who will be the best persons, I believe, to run the agricultural economy in the best interests of the Nation. Now, if that principle is adhered to, then the *bargadars* who are presumed to supply only labour will be eliminated altogether and also the under-*raiyats* to whom lands have been sub-let, may be given some compensation and their interests might be weeded out. Then we will get all those people who are the real *raiyats* and, if the *raiyats* are given the rights, then, Sir, it will be better for national advancement and they will be the persons who will be able to take advantage, the fullest advantage, of the many beneficent measures that may be carried in the Legislature. Government will then be in direct touch with the *raiyats* who will be their ultimate supporters, because it is they who will send their representatives to the Legislature and accordingly they will be able to dictate the policy with regard to agricultural improvement of the country. Therefore, the proposal that has been put forward, namely, that there should be State purchase, should not be opposed by any patriotic man in the best interests of the province. Now, Sir, it has been also stated by my

friend on the other side that State landlordism is proving a failure. Sir, that may be to a certain extent true because of the present environments and conditions, because only a fraction of the land is managed by the Government and particularly because the late Government was bureaucratic and there was not plan, no scheme and therefore nothing could be done for the *raiyats*, even of the *khasmahal* area. If the whole atmosphere is now changed and new ideas are allowed to come in and new ideas of improvement of agriculture are allowed to operate, then, Sir, the criticism that has been levelled against State landlordism will also go and the people—everyone of us—who has the good of the country at heart will see then that it will not be impossible, that it will not be impracticable to enunciate schemes for the improvement of agriculture as a whole. It has been also contented that if there is State purchase of the rent-receiving interests, a very huge number of people will be thrown out of employment. Now, Sir, what is the position of those persons who are now rent-receivers? If the present state of things is allowed to exist, I would ask, Sir, about those people who now live as middlemen, not big landlords,—"what improvement do they expect in their condition?" A family consisting of, say, 7 or 8 persons is living barely on an income of Rs. 7 or Rs. 8 per head per mensem. In other words, only an annual income of Rs. 100 has been vouchsafed to these landlords. Is this not a pitiable state of things? In the national interest it is desirable that the State should come in because the people have been tied down to the idea of living in their homes, and because, Sir, the people think that it will be perhaps well to live in a state of idleness, in a state of indolence, they hug the delusion that the present system is the best thing for them. This idea, this mentality should go. It has been stated by my friend Mr. Ross that if these people are thrown out of employment, there will be social chaos. Others have supported his point of view. But, Sir, if we look at this from a practical point of view, we shall see that most of the people who are living on this paltry income are discontented and are joining various movements of political agitation and social revolution. If State purchase is effected, the money that will be realised in this way may be diverted to the improvement of agricultural economy and funds will be released with which it will be easy to create avenues of employment for the middle-class people.

Sir, a suggestion has been made that cottage industries should be revived. But having regard to the present industrial condition of Bengal it is necessary that big industries must flourish first. The money received by the zemindars as compensation for their estates may well be utilised to help the industries generally. The zemindars themselves may undertake to start big industries. I submit, Sir, that cottage industries alone will not solve the problem.

Next comes the question of compensation. If we view this point from historical standpoint, it will be seen that many transfers have

taken place. We do not know who are the original proprietors of the land. It is difficult to say how much should be the compensation. From the Note of Dissent by Khan Bahadur Saiyed Muazzamuddin Hosain, who has taken much pains to show what the compensation actually should be, it will be seen that there has been 160 per cent. increase in the rent as compared with the rent in 1793. He has been able to show that about Rs. 500 crores have been taken by the landlords by gradual increase and enhancement of rents. If this figure is taken into account in tackling the question of compensation, I think there will not be any objection if we say that nothing should be given to the zemindars. But as we cannot actually trace out the real successors of those with whom the Permanent Settlement was concluded, we in fairness have to consider the question of compensation on equitable grounds.

Legal opinion has been sought on the question of how much compensation should be given. And it has been said that it need not be on the basis of the market price. We know, Sir, that sometimes estates are sold at a nominal value. Sometimes even below the annual *jama* or revenue that is to be paid to the Collectorate. Therefore, having regard to the present value of the estates, we find that they do not sometimes exceed perhaps two or three times their annual *jama*. Sir, I have found from personal experience as a lawyer in the mufassil that many estates have been sold at three or four times the value of their annual *jama* and sometimes at a price equivalent to the annual *jama* and sometimes at a price even less than the annual *jama*. This situation has been continuing for the last ten years and we have ample experience of such happenings. It is in the year 1941 that we are considering the question of compensation to the zemindars. If a fair compensation is to be given, I think 5 times the annual *jama* is the most equitable and just amount. But the question of State purchase can take definite shape in the future, for before you can take up this matter in right earnest much time will have to elapse and therefore, some specific legislation should be immediately passed for the good of the province. We have got to think about our programme for the immediate future and in order that nation-building programmes may be carried through, in order that agriculture and industries may be improved, finance is absolutely necessary. Government has not as yet, to our regret, come up with any concrete schemes so far as the development of our industries and agriculture are concerned. Now we desire that Government should come forward with concrete schemes and in order to supplement the finances of the Government we are ready and not only ready but we urge Government to launch upon a suitable legislation immediately, and one of the ways by which our finances may be augmented is the imposition of an agricultural income-tax. I have already said that whatever be the pledge that might have been given to the landlords or zemindars, it cannot intervene

under the present constitutional position, because the centre of gravity has changed and it is now the people who are if not the actual sovereign but part sovereign of the country, so to say. Therefore, the argument cannot be put forward any longer that because of a solemn pledge given by the East India Company no tax on agricultural income can or should be imposed and that that pledge would hold good for all time. In order that the present resources of Government should be supplemented with a view to enable the Government to embark upon schemes for the improvement of agriculture one cannot but come to the conclusion that agricultural income-tax should be imposed. I suggest in this connection that this agricultural income-tax should be graduated so as to levy a super-tax; that is to say, those who derive a certain income from agriculture, say, above Rs. 500 will have to pay at a high rate while others whose income is less than that will pay only a lower rate, for there should also be equity in the assessment of agricultural income-tax. It is not desirable that the agriculturists who pay rent, pay also all sorts of taxes, old and new, taxes that have been imposed under the new constitution as well as under the old, should alone bear the whole brunt and that the zemindars who form an integral part of the population of the province should not pay their share. They should also be taxed. We are not concerned with the solemn pledges of the Permanent Settlement with the zemindars—the tenants were not a party to that Settlement and the sovereign authority were also not a party, because it was an act of the East India Company and the East India Company was not the sovereign authority: it was only the Dewan. Therefore, now that autonomy has come, I would appeal to my friends of Congress Party that they should not oppose the Coalition Party because we are advocating the abolition of the Permanent Settlement and are urging the State purchase. We are not doing it in a party spirit. We are doing it in a purely national spirit and I say also to my zemindar friends that we are not doing anything to jeopardise their interest. Bengal has been very unfortunate on account of this Permanent Settlement.

Sir, when I come from Sealdah to this Council by tram cars, it strikes me that this Calcutta was started with big mercantile firms—Calcutta with fine buildings and other amenities—this Calcutta is not Bengal's Calcutta. This Calcutta is not the Calcutta of the children of Bengal. It is alien to the children of Bengal. What is the root cause? The root cause I think is this Permanent Settlement. The aristocracy—the wealthy class—the landlords have forgotten their duty to the village and to the tenants. They invested their money on lands in Calcutta; they do not look to the improvement of the land in the villages. They do not think of the benefits of the nationalisation of the land. They are absentees. They have forfeited their right and claim. What is now wanted is that the attention of the zemindars should be diverted to industry, commerce and trade which are being neglected by us as a

nation. Country's wealth has gone to the foreigners and exploiters. The zemindars and landlords have come to stay in the city of Calcutta but they have not as yet turned their attention and energy to industry and commerce. They should now wake up and regain their rightful place in industry. The Coalition Party are trying to do something for the rural people and we have passed some legislation giving retrospective effect to certain provisions. But it is being resented. Mistakes were committed which we are trying to rectify. By abolishing the Permanent Settlement—by abolishing the zemindary system, we are trying to do a great service to the country. A few pieces of legislation which have been already passed by the Legislature are evidence of the good work we have done to the people.

Last of all, I submit one thing which is noticeable, namely, that money in the rural areas is now scarce; but I think money is coming to the towns and banks are being started. I hope that within a short time people will invest this money in industrial banks and I entertain no doubt that it would go towards the improvement of our industries. Now is the time for cool thinking and joint action. If we conjointly work and act in co-operation with each other, then, Sir, I have no doubt that Bengal will see the day when Bengal will flow in milk and honey. I would appeal to my friend Dr. Radha Kumud Mookerjee who is a renowned Professor and writer that he would, if he can, adumbrate a scheme by which the industry, agriculture and other things can thrive side by side; it will be doing great good to the society and he will serve the mother country well to the lasting benefit of all.

Mr. PRESIDENT: The discussion on the Land Revenue Commission's Report will be continued and concluded to-morrow.

The House stands adjourned till 2-15 p.m. to-morrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Wednesday, the 20th August, 1941.

Members absent.

The following members were absent from the meeting held on the 19th August, 1941:—

(1) Rai Bahadur Keshab Chandra Banerjee.
(2) Mr. Shrish Chandra Chakraverti.
(3) Mr. Kamini Kumar Dutta.
(4) Khan Bahadur Alhadj Khwaja Muhammad Esmail.
(5) Mr. Mohamed Hossain.
(6) Khan Bahadur Syed Muhammad Ghaziul Huq.
(7) Maulana Muhammad Akram Khan.
(8) Mr. W. B. G. Laidlaw.
(9) Mr. J. McFarlane.
(10) Mr. Naresh Nath Mookerjee.
(11) Mr. Ranajit Pal Chowdhury.
(12) Dr. Kumud Sankar Ray.
(13) Mr. W. F. Scott-Kerr.

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